



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY
साप्ताहिक
WEEKLY

सं० 12]

नई दिल्ली, मार्च 19—मार्च 25, 2006, शनिवार/फाल्गुन 28, 1927—चैत्र 4, 1928

No. 12]

NEW DELHI, MARCH 19—MARCH 25, 2006, SATURDAY/PHALGUNA 28, 1927—CHAITRA 4, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पुथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

गृह मंत्रालय

नई दिल्ली, 16 मार्च, 2006

का. आ. 1072.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, गृह मंत्रालय के निम्नलिखित कार्यालयों में हिन्दी का कार्यसाधक ज्ञान रखने वाले कर्मचारियों की संख्या 80% से अधिक हो जाने के फलस्वरूप उन्हें एतद्वारा अधिसूचित करती है :

सीमा सुरक्षा बल

अपर महानिदेशक (पश्चिम), मुख्यालय, सीमा सुरक्षा बल,
चंडीगढ़

सेक्टर मुख्यालय, सीमा सुरक्षा बल, श्रीगंगानगर

केन्द्रीय रिजर्व पुलिस बल

कार्यालय पुलिस उप महानिरीक्षक, ग्रेटर नोएडा

केन्द्रीय रिजर्व पुलिस बल

कार्यालय ग्रुप केन्द्र, ग्रेटर नोएडा,

केन्द्रीय रिजर्व पुलिस बल

[सं. 12017/1/2004-हिन्दी]

राजेन्द्र सिंह, निदेशक (राजभाषा)

740 GI/2006

(2423)

MINISTRY OF HOME AFFAIRS

New Delhi, the 16th March, 2006

S.O. 1072.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Ministry of Home Affairs where the percentage of Hindi knowing staff has gone above 80% :

Border Security Force

ADG (West), Hq. BSF, Chandigarh
Sector Hq. BSF, Sriganaganagar.

Central Reserve Police Force

Office of the Dy. Inspector General of Police,
Greater Noida

Central Reserve Police Force.

Office of the Group Centre, Greater Noida
Central Reserve Police Force.

[No. 12017/1/2004-Hindi]

RAJENDRA SINGH, Director (OL)

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय उत्पाद एवं सीमा शुल्क आयुक्तालय)

रोहतक, 7 दिसम्बर, 2005

सं. 01/2005-सी.शु. (गै. टै.)

का.आ. 1073. — भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली के दिनांक 1 जुलाई, 1994 की अधिसूचना सं. 33/94-सी.शु. (गै. टै.) के अन्तर्गत सी. शु. 1962 के खण्ड (क) धारा 152 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए हरियाणा राज्य के, रोहतक जिले के, खारावार गाँव को भारत सरकार, वाणिज्य एवं उद्योग मंत्रालय, वाणिज्य विभाग, नोएडा विशेष आर्थिक क्षेत्र, नोएडा, उत्तर प्रदेश द्वारा शत-प्रतिशत निर्यातोन्मुख उपक्रमों को सीमित प्रयोजन के लिए मैं, राजेन्द्र प्रकाश, आयुक्त, सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क, रोहतक एतद्वारा सीमा शुल्क अधिनियम, 1962 की धारा 9 के अन्तर्गत वेअर हाउसिंग स्टेशन (भाण्डागार केन्द्र) घोषित करता हूँ।

[फा. सी. सं. IV (मुख्या.) 113/तक./रोहतक/Q5]

राजेन्द्र प्रकाश, आयुक्त

MINISTRY OF FINANCE

(Department of Revenue)

(OFFICE OF THE COMMISSIONER OF CUSTOMS AND CENTRAL EXCISE)

Rohtak, the 7th December, 2006

No. 01/2005-CUSTOMS (N.T.)

S.O. 1073.—In exercise of the powers delegated to undersigned vide Notification No. 33/1994-Cus. (NT), dated 1st July, 1994 by the Government of India, Ministry of Finance, Department of Revenue, New Delhi under clause (a) of Section 152 of the Customs Act, 1962, I, RAJENDRA PRAKASH, COMMISSIONER OF CUSTOMS CENTRAL EXCISE, ROHTAK hereby declare VILLAGE KHARAWAR, DISTRICT ROHTAK in the State of Haryana, to be a Warehousing Station under Section 9 of the Customs Act, 1962 for the limited purpose of setting up of 100% Export Oriented Unit, as approved by the Ministry of Commerce and Industry, Department of Commerce, Noida Special Economic Zone, Noida, U.P.

[F. C. No. IV(HQ)113/Tech./RTK/05]

RAJENDRA PRAKASH, Commissioner

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 14 मार्च, 2006

आयकर

का.आ. 1074.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का

प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि "मणिनगर श्री स्वामीनारायण गढ़ी संस्थान श्रीजी संकल्प मूर्ति आद्य आचार्य प्रवर धर्मधुरंधर 1008 श्री मुक्तजीवन स्वामीबापा सुवर्ण जयंती महोत्सव स्मारक ट्रस्ट अहमदाबाद" (इसके बाद "संस्था" कहा गया) की ओर से प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष—2005-2006 से 2007-2008 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय व इस्तेमाल करने के लिए उसका संचयन पूर्णतया तब अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसका स्थापना की गई है तथा उस मामले में जहां इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन या उसके पश्चात् आय एकत्र की गई है, इसकी आय वे संचयन की राशि के पन्द्रह प्रतिशत से अधिक होने का अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होना चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों ;
- (iv) संस्था आय कर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष दाखिल करेगा ;
- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक् रूप से विचार किया जाएगा।

[अधिसूचना सं. 58/2006/फा. सं. 197/69/2005-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 14th March, 2006.

(INCOME-TAX)

S.O. 1074.—In exercise of the powers conferred by the sub-clause (v) of Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of “Maninagar Shree Swaminarayan Gadi Sansthan Shreeji Sankalp Murti Adya Acharya Pravara Dharmadharandhar 1008 Shri Muktajeevan Swamibapa Survarna Jayanti Mahotsav Smarak Trust, Ahmedabad” (hereinafter referred to as the ‘Institution’) shall not be included in the total income of such person as assessable for the assessment years 2005-2006 to 2007-2008, subject to the following conditions namely :—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other

receipt or income of such recipients. Taxability, or, otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No. 58/2006/F. No. 197/69/2005-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 14 मार्च, 2006

(आयकर)

का.आ. 1075.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि “राजा चेरिटी ट्रस्ट, राजापलायम, तमिलनाडु” (इसके बाद “संस्था” कहा गया) की ओर से प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष 2002-2003 से 2004-2005 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहां इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (ज्वेल्स-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारों के समक्ष दाखिल करेगा;
- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पतियाँ समान उद्देश्यों वाले धार्मिक संगठन को दे दी जाएगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक् रूप से विचार किया जाएगा।

[अधिसूचना सं. 59/2006/फा. सं. 197/37/2004-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 14th March, 2006

(INCOME-TAX)

S.O. 1075.—In exercise of the powers conferred by the sub-clause (v) of Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "Raja Charity Trust, Rajapalayam, Tamil Nadu" (hereinafter referred to as the 'Institution') shall not be included in the total income of such person as assessable for the assessment years 2002-2003 to 2004-2005, subject to the following conditions namely :—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability, or, otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No. 59/2006/F. No. 197/37/2004-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 14 मार्च, 2006

(आयकर)

का. आ. 1076.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि "श्री दत्ता देवीस्थान ट्रस्ट, अहमदनगर" (इसके बाद "संस्था" कहा गया) की ओर से प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधधीन कर निर्धारण वर्ष 2003-2004 से 2005-2006 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहां इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अथवा किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष दाखिल करेगा ;
- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक् रूप से विचार किया जाएगा।

[अधिसूचना सं. 60/2006/फा. सं. 197/10/2005-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 14th March, 2006

(INCOME-TAX)

S.O. 1076.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "Shree Datta Deosthan Trust, Ahmednagar" (hereinafter referred to as the 'Institution') shall not be included in the total income of such person as assessable for the assessment years 2003-2004 to 2005-2006, subject to the following conditions namely :—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability, or, otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No. 60/2006/F. No. 197/10/2005-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 14 मार्च, 2006

(आयकर)

का. आ. 1077.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि "दि कांश्रीगेशन आफ दि फ्रॉसिस्केन सिसटर्स आफ दि प्रेजेनटेशन आफ दि ब्लेशड बर्जिन मेरी, कोयंबतूर" (इसके बाद "संस्था" कहा गया) की ओर से प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष-2005-2006 से 2007-2008 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहां इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (ज्वेल-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों ;
- (iv) संस्था आय कर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष दाखिल करेगा ;

- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक् रूप से विचार किया जाएगा।

[अधिसूचना सं. 61/2006/फा. सं. 197/130/2004-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 14th March, 2006

(INCOME-TAX)

S.O. 1077.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "The Congregation of the Franciscan Sisters of the Presentation of the Blessed Virgin Mary, Coimbatore" (hereinafter referred to as the 'Institution') shall not be included in the total income of such person as assessable for the assessment years 2005-2006 to 2007-2008, subject to the following conditions namely:—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;

- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;

- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability, or, otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No. 61/2006/F. No. 197/130/2004-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 14 मार्च, 2006

(आयकर)

का. आ. 1078.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि "श्री शारदा मठ, दक्षिणेश्वर, कोलकाता" (इसके बाद "संस्था" कहा गया) की ओर से प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष-2005-2006 से 2007-2008 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी:

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहां इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो

जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों ;

- (iv) संस्था आय कर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष दाखिल करेगा ;
- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 62/2006/फा. सं. 197/100/2005-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 14th March, 2006

(INCOME-TAX)

S.O. 1078.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "Shree Sarada Math, Dakshineswar, Kolkata" (hereinafter referred to as the 'Institution') shall not be included in the total income of such person as assessable for the assessment years 2005-2006 to 2007-2008, subject to the following conditions namely :—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of

business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;

- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability, or, otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No. 62/2006/F. No. 197/100/2005-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 14 मार्च, 2006

(आयकर)

का. आ. 1079.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि "भारतीय विद्या भवन, मुम्बई" (इसके बाद "संस्था" कहा गया) की ओर से प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधधीन कर निर्धारण वर्ष-2005-2006 से 2007-2008 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहां इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगी;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अधिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष दाखिल करेगी ;
- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पतियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक् रूप से विचार किया जाएगा।

[अधिसूचना सं. 63/2006/फा. सं. 197/112/2005-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 14th March, 2006

(INCOME-TAX)

S.O. 1079.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of “Bharia Vidya Bhawan, Mumbai” (hereinafter referred to as the ‘Institution’) shall not be included in the total income of such person as assessable for the assessment years 2005-2006 to 2007-2008, subject to the following conditions namely :—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during

the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability, or, otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No. 63/2006/F. No. 197/112/2005-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 14 मार्च, 2006

(आयकर)

का.आ. 1080.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि “इनलैण्ड वाटरवेज अथॉरिटी ऑफ इंडिया, नौएडा (उत्तर प्रदेश)” (इसके बाद “संस्था” कहा गया) की ओर से प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष-2001-2002 से 2003-2004 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहां इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के

संचयन की राशि के पन्द्रह प्रतिशत से अधिक की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;

- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (ज्वेलर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वीच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगी;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष दाखिल करेगी;
- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 64/2006/फा. सं. 197/128/2005-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 14th March, 2006

(INCOME-TAX)

S.O. 1080.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "Inland Waterways Authority of India, Noida (UP)" (hereinafter referred to as the 'Institution') shall not be included in the total income of such person as assessable for the assessment years 2001-2002 to 2003-2004, subject to the following conditions namely:—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than

fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;

- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability, or otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No. 64/2006/F. No. 197/128/2005-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 14 मार्च, 2006

(आयकर)

का.आ. 1081.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि "सुन्दरम चैरिटी, चेन्नई" (इसके बाद "संस्था" कहा गया) की ओर से प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधधीन कर निर्धारण वर्ष-2005-2006 से 2007-2008 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी:

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा

अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसको पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;

- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 का उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगी;
- (iii) यह अधिसूचना किसी ऐसे आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों ;
- (iv) संस्था आय कर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष दाखिल करेगी ;
- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 65/2006/फा. सं. 197/114/2005-आयकर नि.-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 14th March, 2006

(INCOME-TAX)

S.O. 1081.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "Sundaram Charity, Chennai" (hereinafter referred to as the 'Institution') shall not be included in the total income of such person as assessable for the assessment years 2005-2006 to 2007-2008, subject to the following conditions namely :—

- (i) the Institution will apply its income, or accumulate for application, wholly and

exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;

- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability, or otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No. 65/2006/F. No. 197/114/2005-ITA-I]

DEEPAK GARG, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 13 मार्च, 2006

का. आ. 1082.—भारतीय स्टेट बैंक (अनुषंगी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 26 की उप-धारा (2क) के साथ पठित धारा 25 की उप-धारा (1) के खण्ड (ग ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एसोसिएट बैंक आफिसर्स एसोसिएशन : यूनिट स्टेट बैंक आफ हैदराबाद के अध्यक्ष, श्री एम. हर्षवर्धन को अधिसूचना

की तारीख से 3 वर्ष की अवधि और उसके बाद उनके उत्तराधिकारी के नामित किए जाने की तारीख तक अथवा स्टेट बैंक आफ हैदराबाद में उनके अधिकारी के रूप में नियुक्त नहीं रहने पर, या अगला आदेश होने तक, जो भी पहले हो, स्टेट बैंक आफ हैदराबाद के निदेशक मण्डल में अधिकारी कर्मचारी निदेशक के रूप में नामित करती है बशर्ते वे छः वर्ष से अधिक की अवधि तक लगातार पद धारण नहीं करेंगे।

[फा. सं. 8/9/2002-बीओ-1]

जी.बी. सिंह, अवर सचिव

(Department of Economic Affairs)

(BANKING DIVISION)

New Delhi, the 13th March, 2006

S.O. 1082.—In exercise of the powers conferred by clause (cb) of Sub-section (1) of Section 25 read with Sub-section (2A) of Section 26 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government, after consultation with the Reserve Bank of India, hereby nominates Shri M. Harshavardhan, Chairman, Associate Banks Officers' Association : Unit State Bank of Hyderabad as Officer Employee Director on the Board of Directors of State Bank of Hyderabad for a period of three years from the date of notification or until his successor is nominated or until he ceases to be an officer of State Bank of Hyderabad, or until further orders, whichever is earlier provided that he shall not hold office continuously for a period exceeding six years.

[F. No. 8/9/2002-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 16 मार्च, 2006

का. आ. 1083.—वित्तीय आस्तियों का प्रतिभूतिकरण एवं पुनर्गठन तथा प्रतिभूति हित का प्रवर्तन अधिनियम, 2002 (2002 का 54) की धारा 2 की उपधारा (1) के खण्ड (ड) के उप-खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्वारा, इण्डियन बैंक की अनुबन्गी संस्था "इण्ड बैंक हाउसिंग लि." को उक्त अधिनियम के उद्देश्य के लिए "वित्तीय संस्था" के रूप में विनिर्दिष्ट करती है।

[फा. सं. 1/9/2005-बीओ-1]

जी.बी. सिंह, अवर सचिव

New Delhi, the 16th March, 2006

S.O. 1083.—In exercise of the powers conferred by sub-clause (iv) of clause (m) of sub-section (1) of Section 2 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (54

of 2002), the Central Government hereby specifies the "Ind Bank Housing Ltd.", a subsidiary of Indian Bank, as 'financial institution' for the purposes of the said Act.

[F. No. 1/9/2005-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 16 मार्च, 2006

का. आ. 1084.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) योजना, 1970 के खंड 3 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा 3 के खंड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री एन.एस. विश्वनाथन, मुख्य महाप्रबंधक, शहरी बैंक विभाग, भारतीय रिजर्व बैंक, केन्द्रीय कार्यालय, मुंबई को तत्काल प्रभाव से एवं अगला आदेश होने तक श्री एस. सी. अग्रवाल के स्थान पर पंजाब एंड सिंध बैंक के निदेशक के रूप में नामित करती है।

[फा. सं. 9/18/2000-बीओ-1]

जी.बी. सिंह, अवर सचिव

New Delhi, the 16th March, 2006

S.O. 1084.—In exercise of the powers conferred by clause (c) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970 the Central Government, hereby nominates Shri N.S. Vishwanathan, Chief General Manager, Urban Banks Department, Reserve Bank of India, Central Office, Mumbai as Director of Punjab and Sind Bank vice Shri S.C. Agarwal, with immediate effect and until further orders.

[F. No. 9/18/2000-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 16 मार्च, 2006

का. आ. 1085.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) योजना, 1970 के खंड 3 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा 3(ज) और (3क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री विनय कुमार सोरके, निवासी फ्लैट सं. 304, तृतीय तल, साईं राधा रेजिडेंसी, होटल किडियार के पीछे, उडूपी, कर्नाटक को अधिसूचना जारी होने की तारीख से तीन वर्ष की अवधि के लिए अथवा उनके स्थान पर किसी अन्य व्यक्ति को नामित किए जाने तक, जो भी पहले हो, सिंडिकेट बैंक के बोर्ड में अंशकालिक, गैर-सरकारी निदेशक के रूप में नामित करती है।

[सं. एफ. 9/47/2005-बीओ-1]

जी.बी. सिंह, अवर सचिव

New Delhi, the 16th March, 2006

S.O. 1085.—In exercise of the powers conferred by sub-section 3(h) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby nominates Shri Vinay Kumar Sorake, resident of Flat No. 304, IIIrd Floor, Sai Radha Residency, Behaid Hotel Kidiyar, Udipi, Karnataka, as part-time non-official director on the Board of Syndicate Bank for a period of three years from the date of notification or until his successor is nominated, whichever is earlier.

[F. No. 9/47/2005-BO-I]

G. B. SINGH, Under Secy.

संचार और सूचना प्रौद्योगिकी मंत्रालय

(सूचना प्रौद्योगिकी विभाग)

नई दिल्ली, 9 मार्च, 2006

का. आ. 1086.—केन्द्र सरकार एतद्वारा राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, सूचना प्रौद्योगिकी विभाग के अंतर्गत आने वाली सॉफ्टवेयर टेक्नोलॉजी पार्क्स ऑफ इंडिया नामक स्वायत्त संस्था के इलेक्ट्रॉनिक्स निकेतन, 6, सी.जी.ओ. कॉम्प्लेक्स, नई दिल्ली स्थित कार्यालय, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[सं. 7(2)/2005-हि.अ.]

बी. बी. बहल, संयुक्त निदेशक

MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(Department of Information Technology)

New Delhi, the 9th March, 2006

S.O. 1086.—In pursuance of sub-rule (4) of the Rule 10 of the Official Language (use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the Software Technology Parks of India, an autonomous society of the Department of Information Technology, located at Electronics Niketan, 6, CGO Complex, New Delhi, more than 80% staff whereof have acquired the working knowledge of Hindi.

[No. 7(2)/2005-H.S.]

B.B. BAHL, Jt. Director

विद्युत मंत्रालय

नई दिल्ली, 6 मार्च, 2006

का. आ. 1087.—केन्द्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4)

के अनुसरण में पावरग्रिड कारपोरेशन ऑफ इंडिया लि., गुडगांव तथा रूरल इलेक्ट्रीफिकेशन कारपोरेशन लि., नई दिल्ली के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत कर्मचारीवृंद ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है :

1. पावरग्रिड कारपोरेशन ऑफ इंडिया लि.,
पारेषण प्रणाली कार्यालय,
मकान नं. 205, वार्ड नं. 11,
सुंदर नगर (हि. प्र.)-174402
2. पावरग्रिड कारपोरेशन ऑफ इंडिया लि.,
पावर पूलिंग स्टेशन, पनारसा,
श्री धनीराम ठाकुर नजदीक, डीएवी स्कूल मौहल,
जिला कुल्लू (हि. प्र.)-260051
3. रूरल इलेक्ट्रीफिकेशन कारपोरेशन लि.,
घरियोजना कार्यालय, ओ-5, चतुर्थ तल,
साफल्यम काम्प्लेक्स, पालायम,
तिरुवनंतपुरम

[सं. 11017/2/2006-हिन्दी]

हरीश चन्द्र, संयुक्त सचिव

MINISTRY OF POWER

New Delhi, the 6th March, 2006

S.O. 1087.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices under the administrative control of Powergrid Corporation of India Ltd., Gurgaon and Rural Electrification Corporation, New Delhi, the staff whereof have acquired 80% working knowledge of Hindi:

1. Powergrid Corporation of India Ltd.,
Transmission Line Office,
House No. 205, Ward No. 11,
Sunder Nagar (H.P.)-174402
2. Powergrid Corporation of India Ltd.,
Power Pooling Station, Panarsa,
C/o Near Shri Dhaniram Thakur
DAV School Mauhal,
Distt.-Kullu (H.P.)-260051
3. Rural Electrification Corporation Ltd.,
Project Office, O-5, 4th Floor,
Saphallyam Complex, Palayam,
Thiruvananthapuram

[No. 11017/2/2006-Hindi]

HARISH CHANDRA, Jt. Secy.

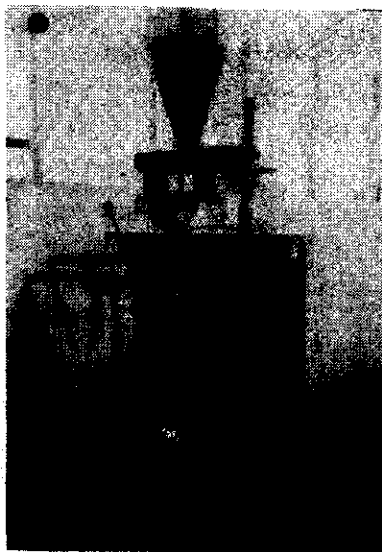
उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्त मामले विभाग)

नई दिल्ली, 1 मार्च, 2006

क्र.आ. 1088.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एस्टर टेक्नो पैक सिस्टम्स प्राइवेट लिमिटेड, जी 32, उषोदय टावर्स, प्लॉट नं. 88/ए जीडीआर अस्पताल के साथ, शापुरनगर, हैदराबाद-500055 द्वारा निर्मित "टी पी-कप" श्रृंखला के अंकक सूचन सहित, कप फिलिंग मशीन (कप फिलर) के मॉडल का, जिसके ब्रांड का नाम "टेकनो पैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/417 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक स्वचालित कप फिलिंग मशीन (कप फिलर) है। इसकी अधिकतम क्षमता 1000 ग्राम है। इसकी अधिकतम फिलिंग दर 40 पाउच प्रति मिनट है। यह मशीन सहज प्रवाह के तरल उत्पाद जैसे चाय, चीनी, नमक, काफी, अनाज, सूजी इत्यादि को भरने के लिए तैयार की गई है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी श्रृंखला के मॉडल के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन की स्वचालित फिलिंग मशीन भी शामिल होंगी जिनकी अधिकतम क्षमता 10 ग्राम से 1 किलो ग्राम अथवा समतुल्य मात्रा तक ही है।

[फा.सं. डब्ल्यू एम-21(332)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

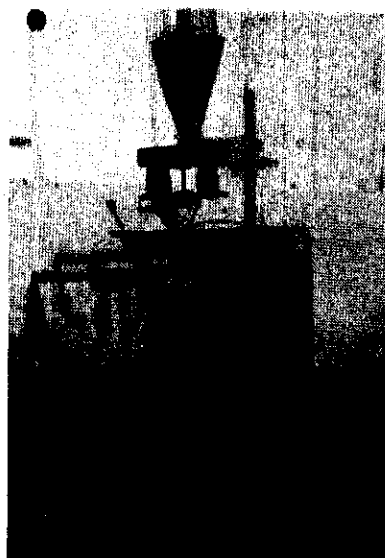
MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 1st March, 2006

S.O. 1088.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of automatic filling machine (Cup Filler) with digital indication of "TP-Cup" series with brand name "Techno-Pack" (herein referred to as the said model), manufactured by M/s. Aster Techno Pack Systems Private Limited, #G-32, Ushodaya Towers, Plot No. 88/A, Beside GDR Hospital, Shapur Nagar, Hyderabad-500 055 and which is assigned the approval mark IND/09/2005/417;



The said model is an automatic filling machine (Cup Filler). Its maximum capacity is 1000g. It has a maximum fill rate of 40 pouches per minute. The machine is designed for filling of free flowing products like tea, sugar, salt, coffee, grains, suji, etc. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the automatic filling machine of similar make, accuracy and performance of the same series with the maximum capacity in the range of 10g. to 1kg. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

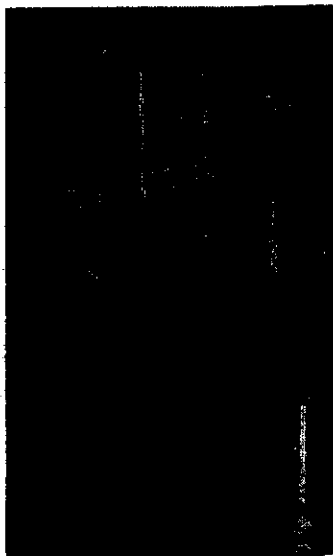
[F. No. WM-21(332)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 मार्च, 2006

का.आ. 1089.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मापक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एस्टर टेक्नो पैक सिस्टम्स प्राइवेट लिमिटेड, जी 32, उषोदय टावर्स, प्लॉट नं. 88/ए जीडीआर अस्पताल के साथ, शापुरनगर, हैदराबाद-500055 द्वारा निर्मित "टी पी-विस्कॉस" शृंखला के अंकक सूचन सहित, स्वचालित फिलिंग मशीन (पिस्टन फिलर) के मॉडल का, जिसके ब्रांड का नाम "टेकनो पैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/416 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक स्वचालित फिलिंग मशीन (पिस्टन फिलर) है। इसकी अधिकतम क्षमता 1000 ग्राम है। इसकी अधिकतम फिलिंग दर 40 पाउंच प्रति मिनट है। यह मशीन असहज प्रवाह के तरल उत्पाद जैसे वेजिटेबल आयल, घी, वनस्पति, मार्जिनरिन इत्यादि को भरने के लिए तैयार की गई है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत् प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन की स्वचालित फिलिंग मशीन भी शामिल होंगी जिनकी अधिकतम क्षमता 10 ग्राम से 1 किलो ग्राम अथवा समतुल्य मात्रा तक ही है।

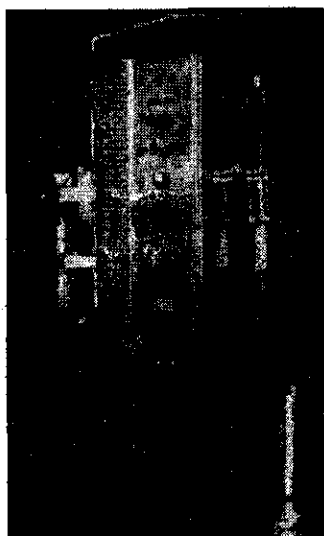
[फा. सं. डब्ल्यू एम-21(332)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st March, 2006

S.O. 1089.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of automatic filling machine (Piston Filler) with digital indication of "TP-Viscous" series with brand name "Techno-Pack" (herein referred to as the said model), manufactured by M/s. Aster Techno Pack Systems Private Limited, #G-32, Ushodaya Towers, Plot No. 88/A, Beside GDR Hospital, Shapurnagar, Hyderabad-500 055 and which is assigned the approval mark IND/09/2005/416;



The said model is an automatic filling machine (Piston Filler). Its maximum capacity is 1000g. It has a maximum fill rate of 40 pouches per minute. The machine is designed for filling of non-free flowing liquid products like vegetable oils, ghee, vanaspathi, margarine, etc. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the automatic filling machine of similar make, accuracy and performance of the same series with the maximum capacity in the range of 10g to 1kg or equivalent volume manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

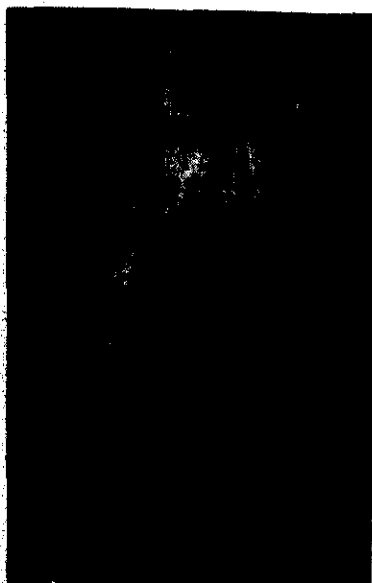
[F. No. WM-21(332)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 मार्च, 2006

का.आ. 1090.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एस्टर टेक्नो पैक सिस्टम्स प्राइवेट लिमिटेड, जी 32, उषोदय टावर्स, प्लॉट नं. 88/ए जीडीआर. अस्पताल के साथ, सापुरनगर, हैदराबाद-500055 द्वारा निर्मित “टी पी-फ्री फ्लो” शृंखला के अंकक सूचन सहित, स्वचालित फिलिंग मशीन (ग्रेविटी फिलर) के माडल का, जिसके ब्रांड का नाम “टेक्नो पैक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/418 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक टाइम बेसड स्वचालित फिलिंग मशीन (ग्रेविटी फिलर) है। इसकी अधिकतम क्षमता 1000 ग्रा. है। इसकी अधिकतम फिलिंग दर 45 पाउंच प्रति मिनिट है। यह मशीन सहज प्रवाह के तरल उत्पाद जैसे पानी, दूध, ताड़ी, ब्लू इत्यादि को भरने के लिए तैयार की गई है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत् प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन की स्वचालित फिलिंग मशीन भी शामिल होंगी जिनकी अधिकतम क्षमता 10 ग्रा. से 1 कि. ग्रा. अथवा समतुल्य मात्रा तक ही है।

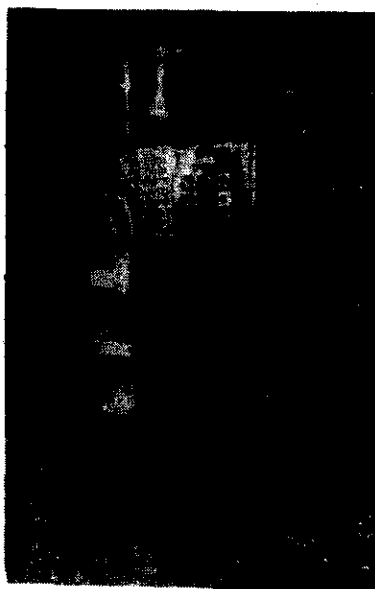
[फा. सं. डब्ल्यू एम-21(332)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st March, 2006

S.O. 1090.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of automatic filling machine (Gravity Filler) with digital indication of "TP-Free Flow" series with brand name "Techno-Pack" (herein referred to as the said model), manufactured by M/s. Aster Techno Pack Systems Private Limited, #G-32, Ushodaya Towers, Plot No. 88/A, Beside GDR Hospital, Shapurnagar, Hyderabad-500 055 and which is assigned the approval mark IND/09/05/418;



The said model is a time based automatic filling machine (Gravity Filler). Its maximum capacity is 1000g. It has a maximum fill rate of 45 pouches per minute. The machine is designed for filling of free flowing liquid products like water, milk, arrack, blue etc. The instrument operates on 230 Volts, 50 Hertz alternative current power supply

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the automatic filling machine of similar make, accuracy and performance of the same series with the maximum capacity in the range of 10g to 1kg or equivalent volume manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(332)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

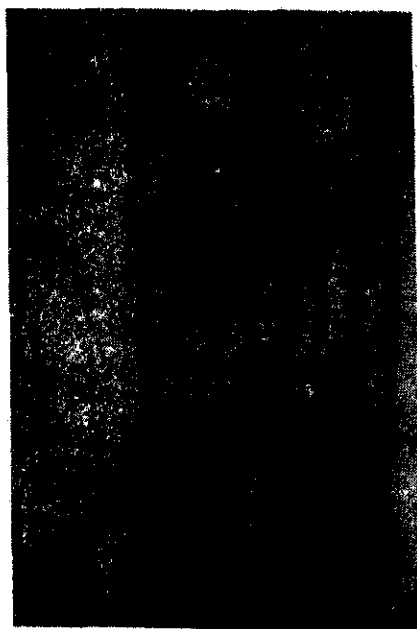
नई दिल्ली, 1 मार्च, 2006

का.आ. 1091.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एक्सकॉन इंस्ट्रुमेंट्स, प्लॉट नं. 87, राधिका थियेटर के पास, अनुपुरम, ई सी आई एल-पोस्ट, हैदराबाद, आंध्र प्रदेश द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एक्स-के एल" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एक्सकॉन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/123 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (ऊपरे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सैल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1,000 कि.ग्रा. है और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 5,000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(358)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

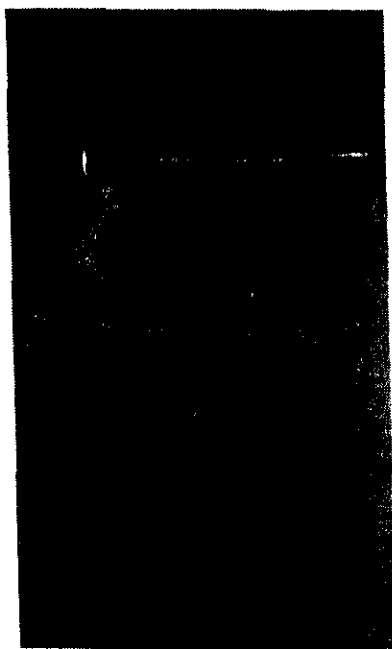
New Delhi, the 1st March, 2006

S.O. 1091.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of "Ex-KL" series of medium accuracy (Accuracy class-III) and with brand name "EXCON" (hereinafter referred to as the said Model), manufactured by M/s. Excon Instruments, Plot No. 87, Near Radhika Theater, Anupuram, ECIL-Post, Hyderabad, Andhra Pradesh and which is assigned the approval mark IND/09/2006/123;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1,000 kg. and minimum capacity of 4 kg. The verification scale interval (e) is 200 g. It has a tare device with a 100 per cent subtractive retained tare effect. It has facility for converting mass to volume (kg. to litre conversion.) The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(358)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

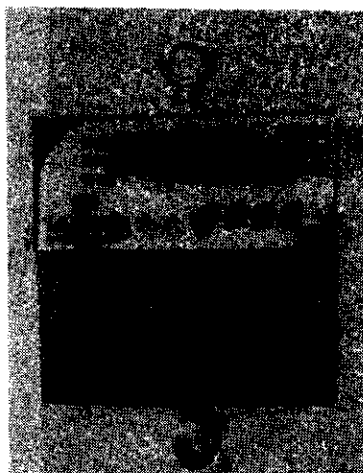
नई दिल्ली, 1 मार्च, 2006

का.आ. 1092.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एल.जी. इलेक्ट्रो इन्डस्ट्रीज, प्लॉट नं. 107, वसंतदादा इन्डस्ट्रियल एरिया, सांगली-416 416 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “एल जी सी-डी आर” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (क्रेन प्रकार) के मॉडल का, जिसके ब्रांड का नाम “इलेक्ट्रो-इण्डिया” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/127 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सैल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 500 किलोग्राम तक 100 ग्राम और 500 किलो ग्राम से अधिक और 1000 किलोग्राम तक 200 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्ज डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद किया जाएगा और जिससे मॉडल को इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलो ग्राम से अधिक और 5000 किलो ग्राम तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(359)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

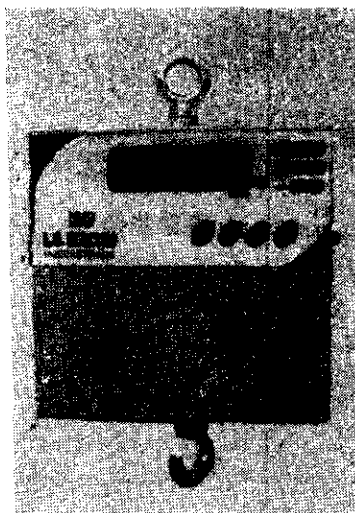
New Delhi, the 1st March, 2006

S.O. 1092.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Crane type) with digital indication of "LGC-DR" series of medium accuracy (accuracy class-III) and with brand name "ELECTRO-INDIA" (herein referred to as the said model), manufactured by M/s. L. G. Electro Industries, Plot No. 107, Vasantadada Industrial Area, Sangali-416 416, Maharashtra and which is assigned the approval mark IND/09/2006/127;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Crane type) with a maximum capacity of 1000kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. up to 500kg. and 200g. above 500kg. and up to 1000kg. It has a tare device with a 100 per cent subtractive retained tare effect. It has facility for converting mass to volume (kg to litre conversion.). The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , 'k' being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

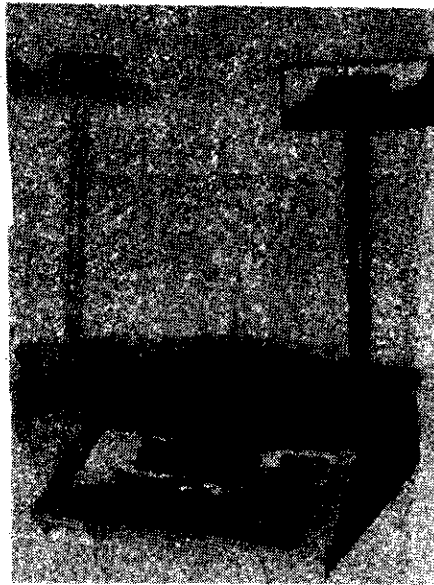
[F. No. WM-21(359)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 मार्च, 2006

का.आ. 1093.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सैनॉर इन्डस्ट्रिज, रविवार पीठ, माधवनगर-416 410 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "सैट" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "सैनॉर" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/126 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सैल आधारित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) है। इसकी अधिकतम क्षमता 12 कि.ग्रा. है और न्यूनतम क्षमता 20 ग्रा. है। सत्यापन मापमान अंतराल (ई) 6 किलोग्राम तक 1 ग्राम और 6 किलोग्राम से अधिक और 12 किलोग्राम तक 2 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्राम के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

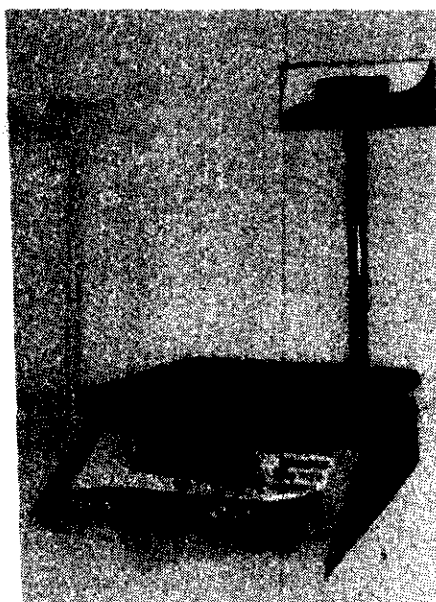
[फा. सं. डब्ल्यू एम-21(360)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st March, 2006

S.O. 1093.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (Accuracy class-III) of series "SET" and with brand name "SEIGNOR" (hereinafter referred to as the said model), manufactured by M/s. Seignor Industries, Raviwar Peth, Madhavnagar-416 410, and which is assigned the approval mark IND/09/2006/126 ;



The said model is a strain gauge type load cell based dual range non-automatic weighing instrument (Table top type) with a maximum capacity of 12kg and minimum capacity of 20g. The verification scale interval (e) is 1g. up to 6kg and 2g. above 6kg and up to 12kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where 'k' is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials, with which, the said approved model has been manufactured.

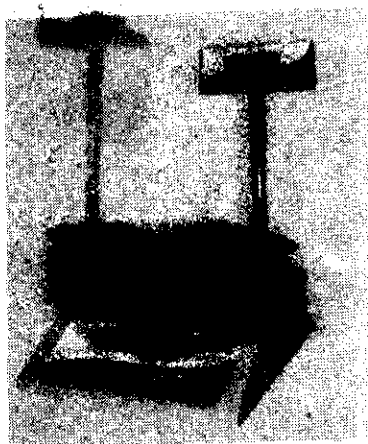
[F. No. WM-21(360)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 मार्च, 2006

का.आ. 1094.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स विडियोकॉन प्रिसिशन सिस्टम, प्लॉट नं. 594, रविवार पीठ, माधवनगर-416 406 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "वी आई पी-जे डब्ल्यू" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "रिलायन्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/129 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का भार सैल आधारित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) है। इसकी अधिकतम क्षमता 12 कि.ग्रा. है और न्यूनतम क्षमता 25 ग्रा. है। स्थापन मापमान अंतराल (ई) 6 किलोग्राम तक 0.5 ग्राम और 6 किलोग्राम से अधिक और 12 किलोग्राम तक 1 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मैक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. के "ई" मान के लिए 100 से 50,000 तक की रेंज में स्थापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में स्थापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

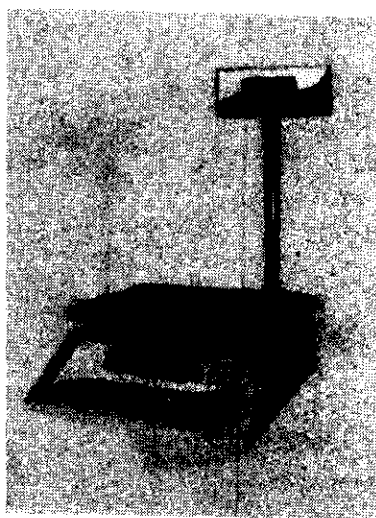
[फा. सं. डब्ल्यू एम-21(361)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st March, 2006

S.O. 1094.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy class-II) of series "VIP-JW" and with brand name "RELIANCE" (hereinafter referred to as the said model), manufactured by M/s. Videocon Precision Systems, Plot No. 594, Raviwar Peth, Madhavnagar-416 406 and which is assigned the approval mark IND/09/2006/129 ;



The said model is a strain gauge type load cell based dual range non-automatic weighing instrument (Table top type) with a maximum capacity of 12kg. and minimum capacity of 25g. The verification scale interval (e) is 0.5g. up to 6kg. and 1g. above 6kg. and up to 12kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

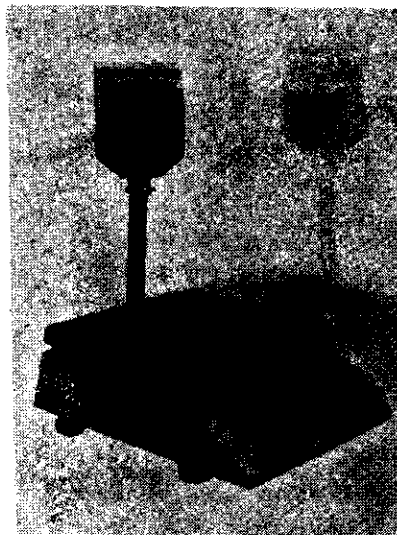
[F. No. WM-21(361)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 मार्च, 2006

क्र.अ. 1096.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स विडियोकॉन प्रिंसिपल सिस्टम, प्लॉट नं. 594, रविवार पीठ, माधवनगर-416 406 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “वी आई पी-टी एस” मृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “विस्वमन्त्र” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/130 संमनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का भार सैल आधारित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) है। इसकी अधिकतम क्षमता 12 कि.ग्रा. है और न्यूनतम क्षमता 20 ग्रा. है। स्थापन मापमान अंतराल (ई) 6 किलोग्राम तक 1 ग्राम और 6 किलोग्राम से अधिक और 12 किलोग्राम तक 2 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका सत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को उसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी मृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. के “ई” मान के लिए 100 से 10,000 तक की रेंज में स्थापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में स्थापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

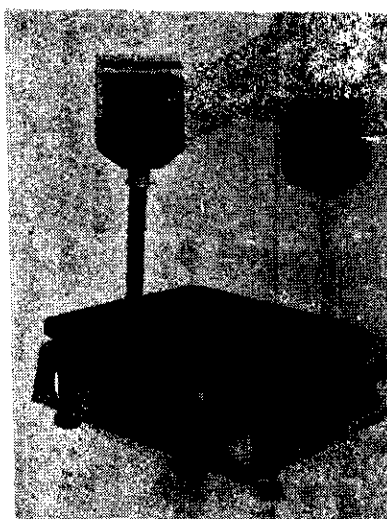
[फा. सं. डब्ल्यू एम-21(361)/2005]

पी. ए. कुष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st March, 2006

S.O. 1095.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (Accuracy class-III) of series "VIP-TS" and with brand name "RELIANCE" (hereinafter referred to as the said model), manufactured by M/s. Videocon Precision Systems, Plot No. 594, Raviwar Peth, Madhavnagar-416 406 and which is assigned the approval mark IND/09/2006/130 ;



The said model is a strain gauge type load cell based dual range non-automatic weighing instrument (Table top type) with a maximum capacity of 12kg and minimum capacity of 20g. The verification scale interval (e) is 1g. up to 6kg. and 2g. above 6kg. and up to 12kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

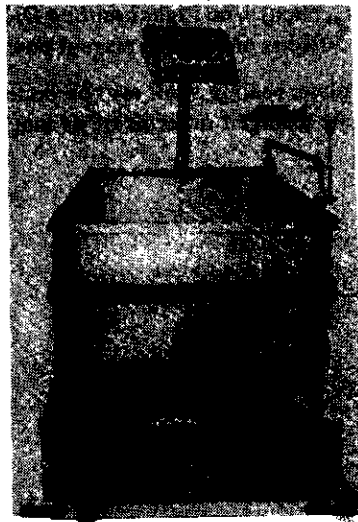
[F. No. WM-21(361)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 मार्च, 2006

का.आ. 1096.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स विडियोकॉन प्रिसियन सिस्टम, प्लॉट नं. 594, रविवार पीठ, माधवनगर-416 406 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "वी आई पीके एल" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके बांड का नाम "रिलायन्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/131 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल (नीचे दी गई आकृति देखें) एक विद्युत-चालित भार माप आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 200 ग्राम है। सत्यापन मापमान अंतराल (ई) 500 कि. ग्राम तक 100 ग्राम और 1000 किलोग्राम तक 200 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को उसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम से अधिक और 5000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(361)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

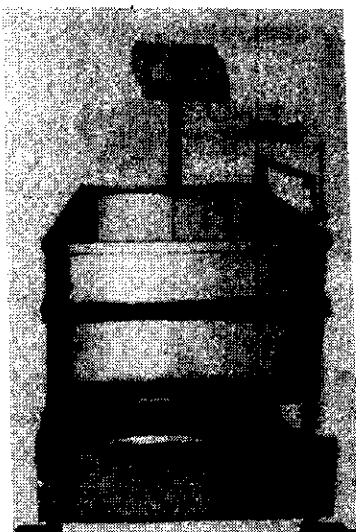
New Delhi, the 1st March, 2006

S.O. 1096.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "VIP-KL" series of medium accuracy (Accuracy class-III) and with brand name "RELIANCE" (hereinafter referred to as the said model), manufactured by M/s. Videocon Precision Systems, Plot No. 594, Raviwar Peth, Madhavnagar-416 406 and which is assigned the approval mark IND/09/2006/131 ;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg. and minimum capacity of 4kg. The verification scale interval (e) is 100g. up to 500kg. and 200g. upto 1000kg. It has a tare device with a 100 percent subtractive retained tare effect. It has facility for converting mass to volume (kg. to litre conversion). The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

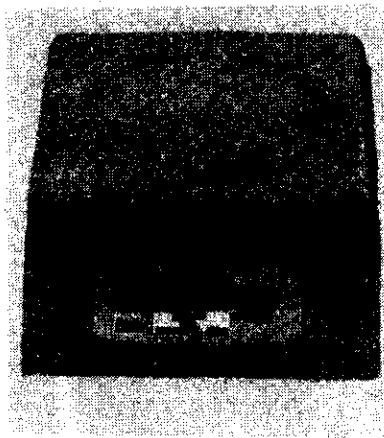
[F. No. WM-21(361)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 मार्च, 2006

का.आ. 1097.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पी एम एस टेक्नोलॉजिस, नं. 102/23, प्रताप नगर, सांगानेर, जयपुर-303906, राजस्थान द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "पी टी-09" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "पीटैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/138 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का भार सैल आधारित अस्वचालित तोलन उपकरण (टेबलटोप प्रकार) है। इसकी अधिकतम क्षमता 11 कि.ग्रा. है और न्यूनतम क्षमता 50 ग्रा. है। सत्यापन मापमान अंतराल (ई) 1 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्ट्राम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वकिंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्राम के "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्राम या उससे अधिक के "ई" मान के लिए 5000 से 50000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

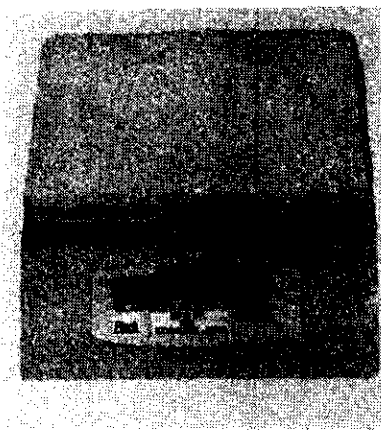
[फा. सं. डब्ल्यू एम-21(312)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st March, 2006

S.O. 1097.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy class-II) of series "PT-09" and with brand name "PTECH" (hereinafter referred to as the said model), manufactured by M/s. PMS Technologies, No. 102/23, Pratap Nagar, Sanganer, Jaipur-303906, Rajasthan and which is assigned the approval mark IND/09/2006/138 ;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 11kg and minimum capacity of 50g. The verification scale interval (e) is 1g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50 mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

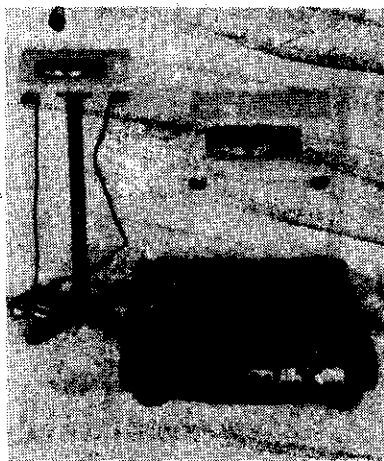
[F. No. WM-21(312)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 मार्च, 2006

का.आं. 1898.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसी प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स पी एम एस टेक्नोलॉजिस्ट, नं० 102/23, प्रताप नगर, सांगानेर, जयपुर-303906, द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "पी पी-09" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "पीटैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/139 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 500 कि.ग्रा. है और न्यूनतम क्षमता 2.5 कि.ग्रा. है। स्थापन मापमान अन्तराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्त है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावती धारा विद्युत प्रदाय पर कार्य करता है।

स्टैम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में स्थापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 1000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

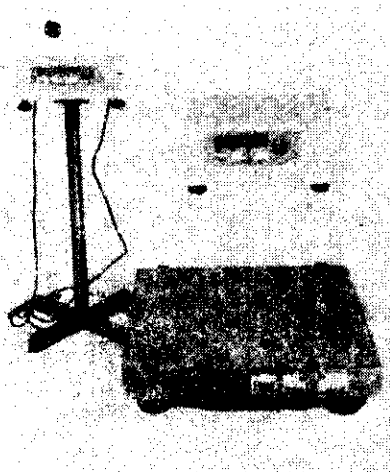
[फा. सं. डब्ल्यू एम-21(312)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st March, 2006

S.O. 1098.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of high accuracy (Accuracy class-II) of series 'PP-09' and with brand name "PTECH" (hereinafter referred to as the said model), manufactured by M/s PMS Technologies, No. 102/23, Pratap Nagar, Sanganer, Jaipur-303 906, Rajasthan and which is assigned the approval mark IND/09/2006/139;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500kg. and minimum capacity of 2.5kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices and model shall not be changed in terms of its marital, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and upto 1000kg. with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(312)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1099.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स कपूर इंजीनियरिंग, रुडकी रोड, मुजफ्फरनगर-251 002 उ.प्र. द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'केएलडब्ल्यूबी' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (तोलनपुल के लिए कन्वेंशन किट प्रकार) के मॉडल का, जिसके ब्रांड का नाम "जैम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/526 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (तोलनपुल प्रकार) तोलन उपकरण है। जो अंकन सूचन सहित भार सेल के सिद्धांत पर कार्य करता है। इसकी अधिकतम क्षमता 50 टन है और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(249)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1099.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) (hereinafter referred to as the said Act) and the Standards of Weights and Measures (Approval of Model) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Weighbridge type) with digital indication of "KLWB" series of medium accuracy (Accuracy class-III) and with brand name "GEM" (hereinafter referred to as the said Model), manufactured by M/s. Kapoor Engineers, Roorkee Road, Muzaffarnagar-251002, Uttar Pradesh, and which is assigned the approval mark IND/09/2005/526;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) working on the principle of load cell with digital indication of maximum capacity of 50 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity above 5 tonne and upto 100 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(249)/2004]

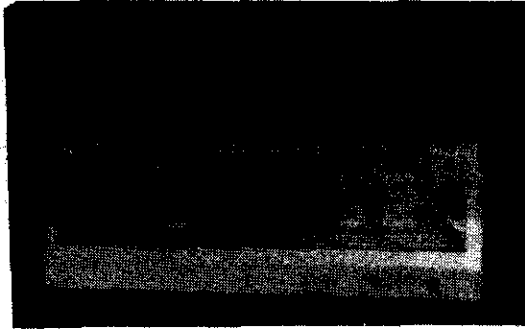
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1100.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) विनियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स कपूर इंजीनियरिंग, रुडकी रोड, मुजफ्फरनगर-251002 उ.प्र. द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'केएल डब्ल्यूसी' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (तोलनपुल के लिए कन्वर्जन किट प्रकार) के मॉडल का, जिसके ब्रांड का नाम "जैम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/527 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (तोलनपुल प्रकार) तोलन उपकरण है। जो अंकन सूचन सहित भार सेल के सिद्धांत पर कार्य करता है। इसकी अधिकतम क्षमता 50 टन और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावृत्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यप्रणाली के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(249)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1100.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) (hereinafter referred to as the said Act.) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (conversion kit for Weighbridge type) with digital indication of "KLWC" Series of medium accuracy (accuracy class-III) and with brand name "GEM" (hereinafter referred to as the said model), manufactured by M/s. Kapoor Engineers, Roorkee Road, Muzaffarnagar-251002, Uttar Pradesh, and which is assigned the approval mark IND/09/2005/527;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) Working on the Principle of load cell with digital indication of maximum capacity of 50 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing is done to prevent the opening machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity above 5 tonne and upto 100 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

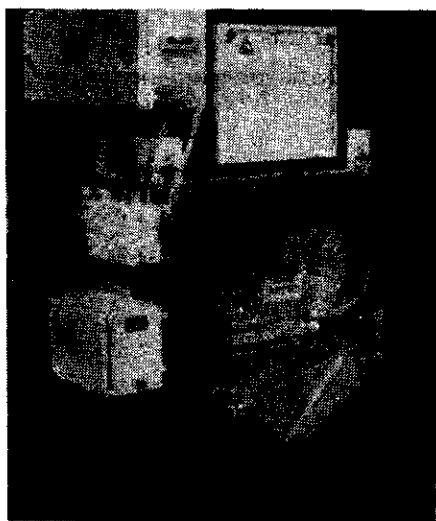
[F. No. WM-21(249)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1101.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स क्रोनास रिचर्डसन इंडिया प्राइवेट लिमिटेड, प्लॉट सं० 5 ई, सैक्टर-4, बल्लभ गढ़-211004, हरियाणा द्वारा निर्मित "स्पीड एसी एन एक्स टी" भुंखला के अंकक सूचन सहित स्वचालित भरात्मक भरण उपकरण के माडल का, जिसका ब्रांड का नाम "क्रोनास रिचर्डसन एच" है और जिसे अनुमोदन चिह्न आई एन डी/13/05/681 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का भार सेल आधारित स्वचालित भरात्मक भरण उपकरण है। इसकी मापमान अंतराल संख्यांक (एन) $\leq 10,000$ के संबंध में अधिकतम क्षमता एन ≤ 3000 कि.ग्रा. मुद्रांकन के लिए = 1 ग्रा.—500ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका सत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। द्रव क्रिस्टल प्रदर्श (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। न्यूनतम भरत मापमान अंतराल पर निर्भर करता है।

स्ट्याम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

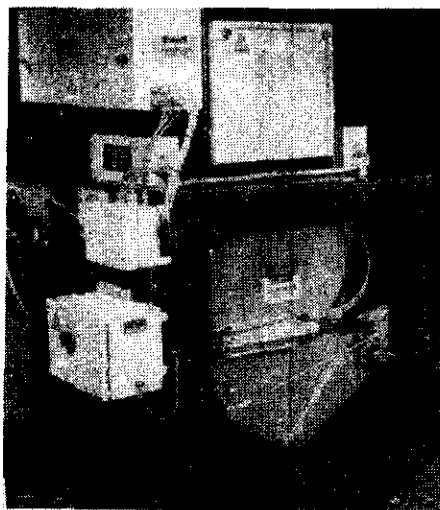
[फ. सं. डब्ल्यू.एम-21(55)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1101.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority along with the model approval certificate issued by the Physikalisch-Technische Bundesanstalt (PTB), Germany is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by third proviso to sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of the model of the Automatic Gravimetric Filling Instrument with digital indication of series 'Speed AC NXT' and with brand name 'Chornos Richardsan GmbH' and manufactured by M/s. Chornos Richardson GbmH, Reutherstrabe 3, 53773 Hennef, Deutschland and sold in India without any alteration or additions by M/s. Chornos Richardson India Private Limited, Plot No. 5-E, Sector-4, Ballabhgarh-121 004, Haryana and which is assigned the approval mark IND/13/05/681;



The said Model is a strain gauge type load cell based automatic gravimetric filling instrument with maximum capacity of $\leq 3000\text{kg}$. scale interval $e=1\text{g}$. —500g. in respect of number of scale interval $n \leq 10,000$. It has tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing results. The instrument operates on 230 Volts 50 Hertz alternative current power supply; The maximum fill depends on the scale interval.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

[F. No. WM-21(55)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1102.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स कैरीको डिजिटल सिस्टम, 26, जयश्री शापिंग सेन्टर, विट्ठल नगर, वटवा, जी आई डी सी रोड, अहमदाबाद-282445 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "के डी एस-108" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "कैरीको" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/206 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित (टेबलटॉप प्रकार) का तोलन उपकरण है। इसकी अधिकतम क्षमता 10 कि.ग्रा. और न्यूनतम क्षमता 20 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सीलबन्द की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(100)/2000]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1102.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of “KDS-108” series of medium accuracy (accuracy class- III) and with brand name “KARICO” (hereinafter referred to as the said model), manufactured by M/s. Karico Digital Systems, 26, Jayshree Shopping Centre, Vitthal Nagar, Vatva, GIDC Road, Ahmedabad-382 445 and which is assigned the approval mark IND/09/2004/206;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 10kg and minimum capacity of 20g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50Hertz alternate current power supply;



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(100)/2000]

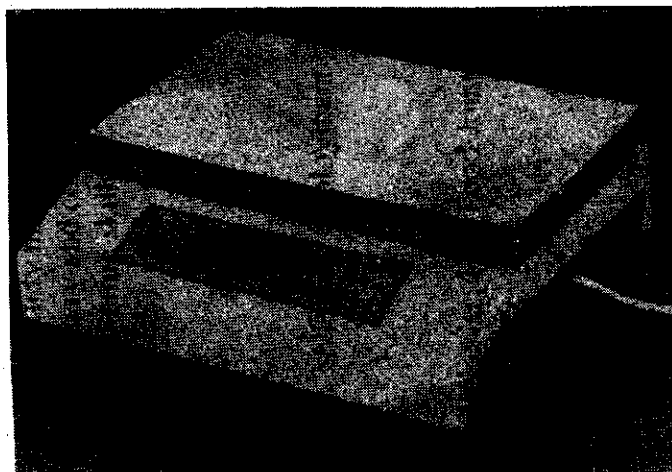
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1103.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स इंडस वेइंग सिस्टम प्राइवेट लिमिटेड, #14, दूसरी स्ट्रीट, कुमारसामी नगर, सिविल एरोड्रोम पोस्ट, कोयम्बतूर 641014 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "आई डब्ल्यू-जे पी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "इंडस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/611 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति गेज भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि. ग्रा. तक के "ई" मान के लिए 100 से 5000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन माप मान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(12)/2005]

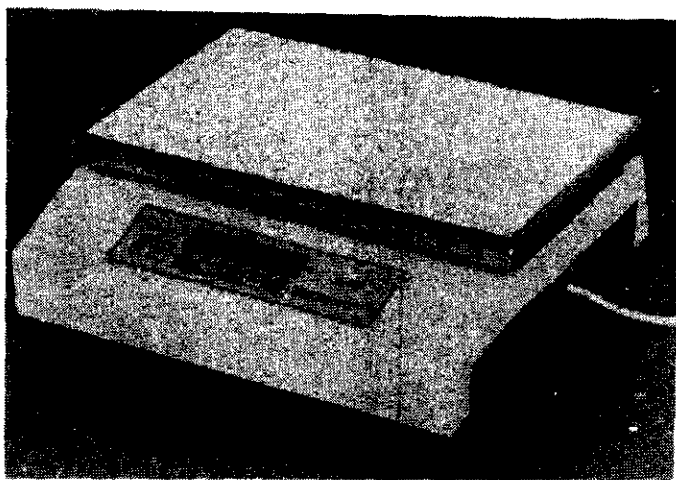
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1103.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "IW-JP" series of high accuracy (accuracy class- II) and with brand name "INDUS" (hereinafter referred to as the said model), manufactured by M/s Indus Weighing System Pvt. Ltd. #14, 2nd Street, Kumarasamy Nagar, Civil Aerodrome Post, Coimbatore—641014 and which is assigned the approval mark IND/09/05/611;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50Hertz alternate current power supply;



In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity up to 50kg and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg to 50 mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(12)/2005]

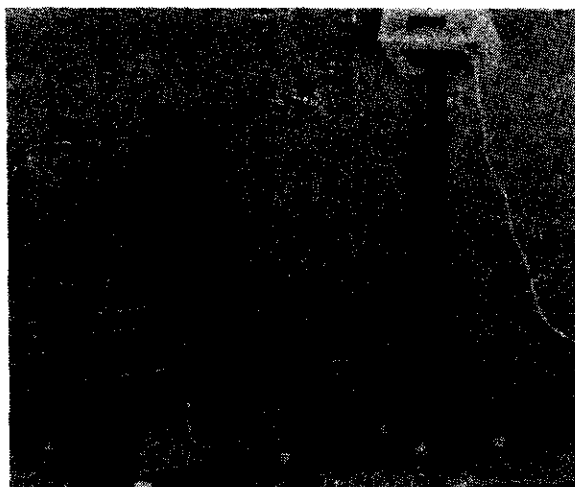
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1104.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स इंडस वेइंग सिस्टम प्राइवेट लिमिटेड, #14, दूसरी स्ट्रीट, कुमारसामी नगर, सिविल एरोड्रोम पोस्ट, कोयम्बतूर-641014 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "आई डब्ल्यू-पी पी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "इंडस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/612 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति गेज भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 600 कि.ग्रा. और न्यूनतम क्षमता 2.5 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(12)/2005]

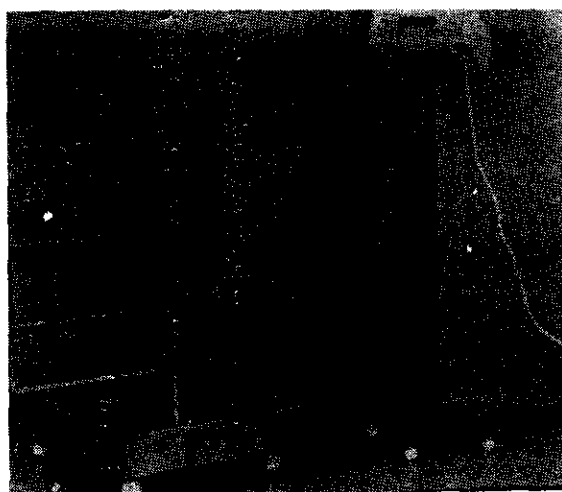
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1104.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "IW-PP" series of high accuracy (Accuracy class-II) and with brand name "INDUS" (hereinafter referred to as the said model), manufactured by M/s. Indus Weighing System Pvt. Ltd., #14, 2nd Street, Kumarasamy Nagar, Civil Aerodrome Post, Coimbatore-641014 and which is assigned the approval mark IND/09/2005/612;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 600 kg. and minimum capacity of 2.5 Kg. The verification scale interval (e) is 50g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50Hertz alternate current power supply;



In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity ranging above 50kg to 1000 kg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(12)/2005]

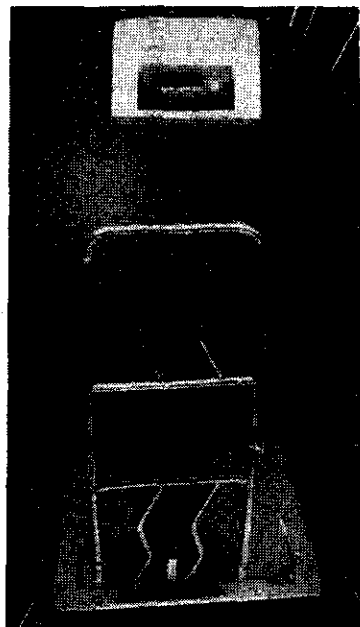
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1105.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एलिट इलेक्ट्रॉनिक्स, नजदीक पटेल वाडी, शिवाजी नगर, सावरकुण्डला-364515 गुजरात द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "ईई-पी 750" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एलिट इलेक्ट्रॉनिक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/120 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 750 कि.ग्रा. और न्यूनतम क्षमता 2.5 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा। मॉडल का उसकी सामग्री, यथार्थता, डिजाइन, सर्किट, डायग्राम कार्य निष्पादन सिद्धान्त आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50, 000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि.ग्रा. से अधिक 2000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(252)/2005]

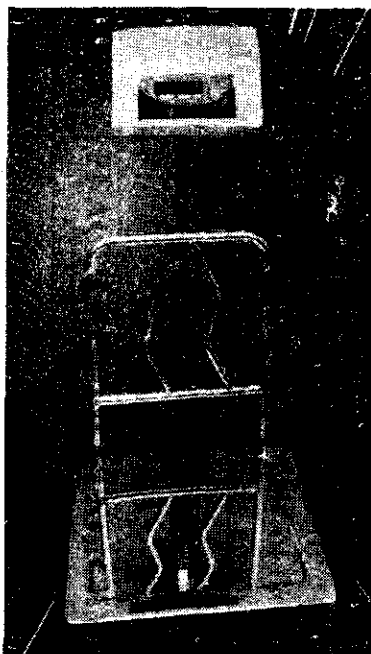
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1105.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "EE-P 750" series of high accuracy (accuracy class- II) and with brand name "Elite Electronics" (hereinafter referred to as the said model), manufactured by M/s. Elite Electronics, Nr. Patel Vadi, Shivaji Nagar, Savarkundala-364515, Gujarat and which is assigned the approval mark IND/09/06/120;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 750 kg and minimum capacity of 2.5 Kg. The verification scale interval (e) is 50g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50Hertz alternative current power supply;



In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity ranging above 50kg to 2000 Kg and with number verification scale interval (n) in the range of 5000 to 50, 000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design accuracy and with the same materials with which, the said approved model has been manufactured.

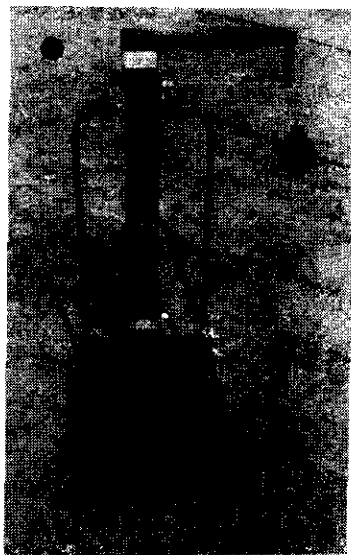
[F. No. WM-21(252)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

क्र.आ. 1106.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मृग इंडस्ट्रीज, नसीरपुर गांव, हिसार रोड, अम्बाला सिटी, हरियाणा द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-III) वाले अस्वचालित तोलन उपकरण (प्लेटफार्म मशीन-प्रो वेट प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मृग" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/1123 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल (नीचे दी गई आकृति देखें) एक मैकेनिकल प्रकार का लीवर आधारित अस्वचालित (प्लेटफार्म मशीन- प्रो वेट प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि.ग्रा. है और न्यूनतम क्षमता 2 कि. ग्रा. है और मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) से संबंधित है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा। मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, कार्यकारी सिद्धान्त आदि के संबंध में बदला नहीं जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 1000 तक की रेंज में सत्यापन अंतराल (एन) सहित 50 कि.ग्रा. से 10,000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

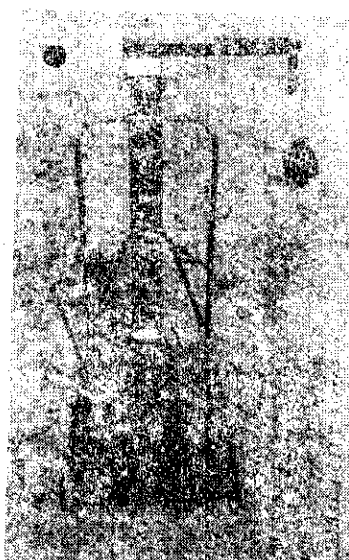
[फा. सं. डब्ल्यू एम-21(323)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1106.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Platform machine-pro-weight type) (herein referred to as the said model) belong to medium accuracy Class (Accuracy class- III) and with brand name "MRIGA" manufactured by M/s Mriga Industries, Village- Nasipur, Hissar Road, Ambala City, Haryana and which is assigned the approval mark ISID/09/05/1123;



The said model is a mechanical type lever based non-automatic weighing instrument (Platform machine-Pro-weight type) of maximum capacity of 300 kg and minimum capacity of 2 Kg. and belonging to medium accuracy class (Accuracy class,-III): The value of verification scale interval 'e' is 100g.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 50kg to 1000 Kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

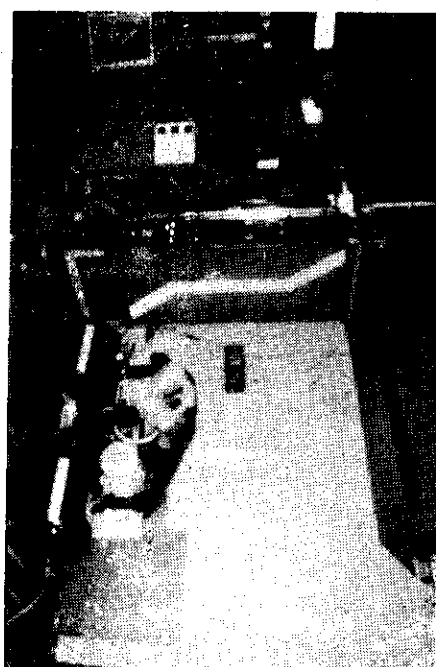
[F. No. WM-21(323)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1107.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एक्जुफिल मशीन्स, एस एफ 120/2, कालांपट्टी पोस्ट, कोयम्बतूर-641035 तमिलनाडु द्वारा निर्मित "ए एम-पी एफ" शृंखला के स्वचालित, भरण मशीन (पिस्टल फिलर) के मॉडल का, जिसके ब्रांड का नाम "एक्जुफिल" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/113 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल स्वचालित भरण मशीन (पिस्टल फिलर) है। इसकी अधिकतम क्षमता 2 कि.ग्रा. अथवा समतुल्य है। इसका उपयोग चिकनाई युक्त तरल पदार्थ जैसे तेल, वनस्पति, ग्रीस, लिक्विड साबुन, घी, पेंट, डिस्टेंपर इत्यादि को भरने के लिए किया जाता है यह प्रति मिनट 10 से 40 पाउंच भरती है। उपकरण 230 वोल्ट और 50 हर्टज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा। और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम तथा कार्य निष्पादन सिद्धांतों आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 2 ग्रा. से 2 कि. ग्रा. अथवा समतुल्य मात्रा के हैं।

[फा. सं. डब्ल्यू एम-21(06)/2006]

पो. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1107.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Automatic filling machine (Piston Filler) of "AM-PF" series and with brand name "Accfil" (hereinafter referred to as the said model) manufactured by M/s. Accufil Machines, S. F. 120/2, Kalapatty Post, Coimbatore-641035, Tamil Nadu and which is assigned the approval mark IND/09/2006/113;

The said model is an automatic filling machine (Piston Filler) and its maximum capacity is 2 kg or equivalent volume. It is used for filling the viscous liquids products like oil, vanaspati, grease, liquid soap, ghee, paints, distemper etc. It fills 10 to 40 fills per minute. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 2g to 2 Kg or equivalent volume manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

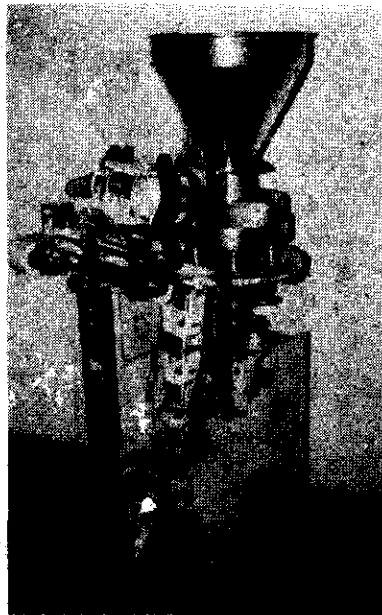
[F. No. WM-21(06)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1108.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एक्वुफिल मशीन्स, एस एफ 120/2, कालापट्टी पोस्ट, कोयम्बतूर-641035, तमिलनाडु द्वारा निर्मित “ए एम-सीएफ” शृंखला के स्वचालित, भरण मशीन (कप फिलर) के मॉडल का, जिसके ब्रांड का नाम “एक्वुफिल” है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/114 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल स्वचालित भरण मशीन (कप फिलर) है। इसकी अधिकतम क्षमता 2 कि.ग्रा. अथवा समतुल्य है। इसका उपयोग सहज प्रवाह वाले पदार्थ जैसे सूजी, चाय, काफी पाउडर, चीनी, चावल, नमक, दाने, डिटरजेंट, बीज, कृषि उत्पाद इत्यादि को भरने के लिए किया जाता है यह प्रति मिनट 10 से 50 पाउंच भरती है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम तथा कार्य निष्पादन सिद्धान्तों आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 2 ग्रा. से 2 कि. ग्राम अथवा समतुल्य मात्रा के हैं।

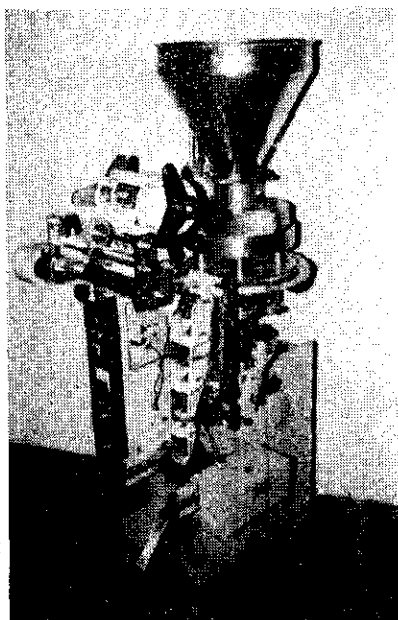
[फा. सं. डब्ल्यू एम-21(06)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7 March, 2006

S.O. 1108.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the self indicating, Automatic filling machine (Cup Filler) of "AM-CF" series with brand name "Accufil" (herein referred to as the said Model), manufactured by M/s. Accufil Machines, S.F. 120/2, Kalapatty Post, Coimbatore-641 035, Tamil Nadu and which is assigned the approval mark IND/09/2006/114;



The said model is an automatic filling machine (Cup Filler) and its maximum capacity is 2 kg. It is used for filling the free flowing products like suzi, tea, coffee powder, sugar, rice, salt, granules, detergents, seeds, agricultural products etc. It fills 10—50 fills per minute. The instruments operates on 230V, 50 Hz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity in the range of 2g to 2 kg. manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(06)/2006]

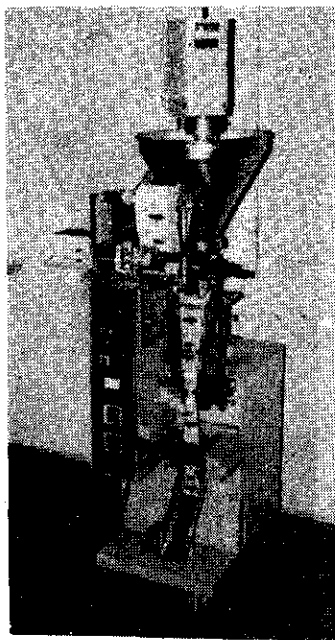
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1109.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एक्यूफिल मशीन्स, एस एफ 120/2, कालापट्टी पोस्ट, कोयम्बतूर-641035, तमिलनाडु द्वारा निर्मित “ए एम-एएफ” श्रृंखला के स्वचालित, भरण मशीन (एगुअर फिलर) के मॉडल का, जिसके ब्रांड का नाम “एक्यूफिल” है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/115 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल स्वचालित भरण मशीन (एगुअर फिलर) है। इसकी अधिकतम क्षमता 1000 ग्रा. है। इसका उपयोग सहज प्रवाह वाले पदार्थ जैसे दूध पाउडर, टेलकम पाउडर, दुग्ध पाउडर, काफी पाउडर इत्यादि को भरने के लिए किया जाता है। यह प्रति मिनट 20 से 60 पाउंच भरती है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम तथा कार्य निष्पादन सिद्धांतों आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तौरान उपकरण भी होंगे जो 2 ग्रा. से 1 कि. ग्राम अथवा समतुल्य मात्रा के हैं।

[फा. सं. डब्ल्यू एम-21(06)/2006]

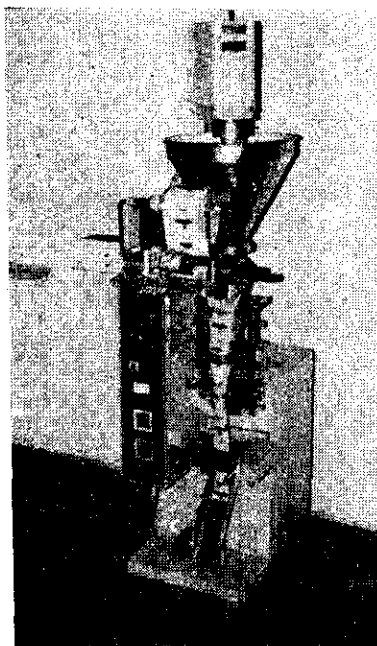
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1109.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Automatic filling machine (Auger Filler) of "AM-AF" series with brand name "Accufil" (herein referred to as the said Model), manufactured by M/s. Accufil Machines, S.F. 120/2, Kalapatty Post, Coimbatore-641 035, Tamil Nadu and which is assigned the approval mark IND/09/06/115;

The said model is an automatic filling machine (Auger Filler) and its maximum capacity is 1000g. It is used for filling the free flowing products like tooth powder, talcum powder, milk powder, coffee powder etc. It fills 20—60 fills per minute. The instrument operates on 230V, 50 Hz alternative current power supply.



In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity in the range of 2g to 1 kg. manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(06)/2006]

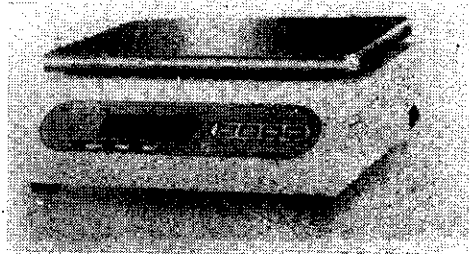
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1110.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स बेटा वेइंग टैक्नोलॉजी प्रा. लि., 2 प्रथम तल, ममता बिल्डिंग, तुलसी थियेटर, मराथास्ली पोस्ट, बंगलोर-560037 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "ए एस जे" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "आस्त्रा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/759 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति गेज भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टोप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि. ग्राम तक "ई" मान के लिए 500 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मिलीग्राम या उससे अधिक के "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(184)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1110.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of series "ASJ" of high accuracy (Accuracy class-II) and with brand name "ASTHRA" manufactured by M/s. Penta Weigh Technologies Private Limited, # No. 2, 1st Floor, Mamta Building, Opp. Tulasi Theatre, Marathahalli Post, Bangalore-560 037 and which is assigned the approval mark IND/09/05/759;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 2 g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternative current power supply;



In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1 mg. to 50 mg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

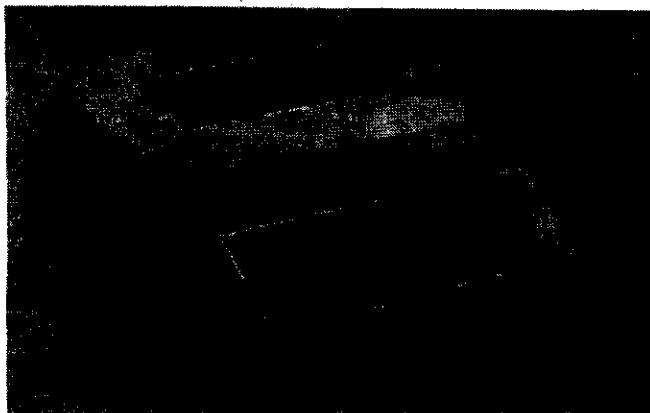
[F. No. WM-21(184)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1111.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स डाइटी स्केलर्स, साई बिल्डिंग, बालूस्लेटी भुक्कु, कालिकट-673623 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “डीएस-टी बी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “डिजटी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/659 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित तोलन उपकरण (टेबल टोप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 वि.ग्रा. से 2 ग्राम तक “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^5 , 2×10^5 या 5×10^5 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

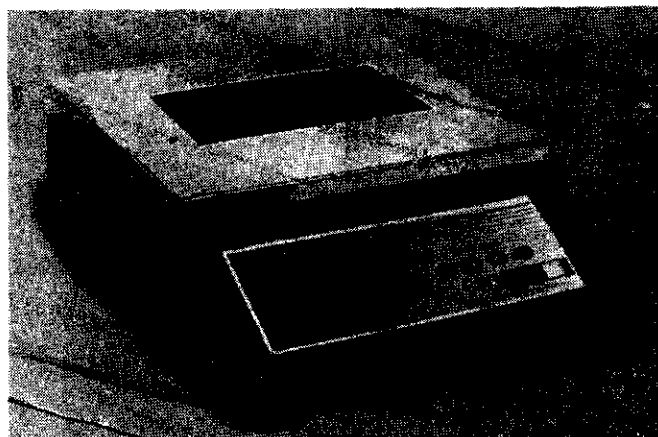
[फा. सं. डब्ल्यू एम-21(134)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1111.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of “DS-TB” series of medium accuracy (Accuracy class-III) and with brand name “DIETY” (herein after referred to as the said model), manufactured by M/s. Deity Scales, Sai Building, Balussery Mukku, Calicut-673 623 and which is assigned the approval mark IND/09/05/659:



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply;

In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity up to 50 kg. and with verification scale interval (n) in the range of 100 to 10,000 for ‘e’ value of 100 mg. to 2 g. or with verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g. or more and with ‘e’ value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(134)/2005]

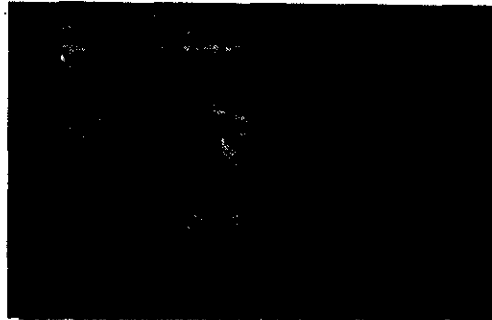
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1112.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मेटलर टोलेडो इंडिया प्राइवेट लिमिटेड, अमर हिल, साकी विहार रोड, मुंबई-400072 महाराष्ट्र द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "टी एम एस" शृंखला के अंकक सूचक अस्वचालित इलेक्ट्रॉनिक तोलन उपकरण (तोलनपुल) के मॉडल का, जिसके ब्रांड का नाम "मेटलर टोलेडो" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन बिड आई एन डी/09/05/670 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (तोलनपुल प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 60 टन और न्यूनतम क्षमता 200 किलोग्राम है। सत्यापन मापमान अंतराल (ई) का मान 10 कि.ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। इसमें "इन्ड-310" इलेक्ट्रॉनिक सूचक है और द्रव क्रिस्टल प्रदर्श (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 5 टन से अधिक और 150 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^5 , 2×10^5 या 5×10^5 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(16)/2005]

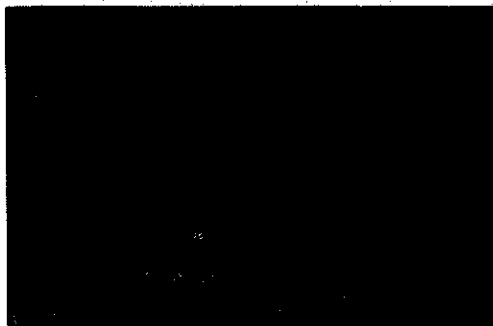
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1112.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Weighbridge type) with digital indication of "TMS" series of medium accuracy (Accuracy class-III) and with brand name "Mettler-Toledo" (hereinafter referred to as the said Model), manufactured by M/s. Mettler Toledo India Private Limited, Amar Hill, Saki Vihar Road, Mumbai-400072, Maharashtra and which is assigned the approval mark IND/09/05/670;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 60 tonne and minimum capacity of 200 kg. The verification scale interval (e) is 10 kg. It has a tare device with a 100 per cent subtractive retained tare effect. It consist of electronic indicator "IND-310" and the Liquid Crystal Display (LCD) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply :



In addition to sealing the stamping plate, sealing shall also be done to prevent from the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of the similar make, accuracy and performance of the same series with maximum capacity above 5 tonne and upto 150 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , whereas k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(16)/2005]

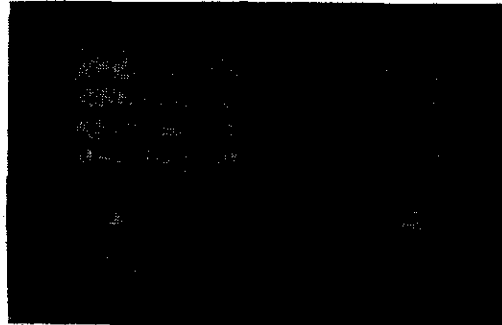
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

क्र.आ. 1113.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स 'मैटलर टोलेडो इंडिया प्राइवेट लिमिटेड, अमर हिल, साकी विहार रोड, मुंबई-400072 महाराष्ट्र द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले 'टी एम डी' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (तोलनपुर) के मॉडल का, जिसके ब्रांड का नाम 'मैटलर टोलेडो' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी /09/05/671 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति गेज प्रकार का लोड सेल बहुअंकन सूचक आधारित अस्वचालित (तोलनपुल प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 50 टन और न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 10 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। इसमें 'इन्ड-310' इलैक्ट्रॉनिक सूचक है और द्रव क्रिस्टल प्रदर्श (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 5 टन से अधिक और 150 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(16)/2005]

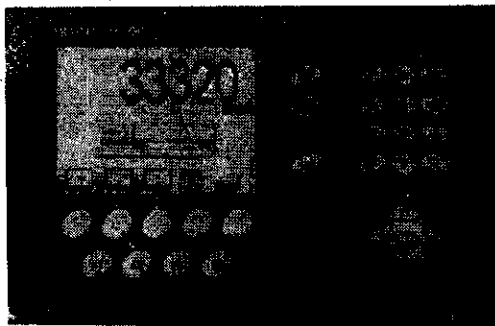
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi 7th March, 2006

S.O. 1113.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Weighbridge type) with digital indication of "TMD" series of medium accuracy (Accuracy class -III) and with brand name "Mettler-Toledo" hereinafter referred to as the said model), manufactured by M/s Mettler Toledo India Private Limited, Amar Hill, Saki Vihar Road, Mumbai--400072, Maharashtra and which is assigned the approval mark IND/09/05/671;

The said Model is a strain gauge type load cell based multi digital non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 50 tonne and minimum capacity of 200kg. The verification scale interval (e) is 10kg. It has a tare device with a 100 per cent subtractive retained tare effect. It consists of electronic indicator "IND -310" and the Liquid Crystal Display (LCD) indicates the weighing results. The instrument operates on 230 Volts, 50Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing is also done to prevent from the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of the similar make, accuracy and performance of the same series with maximum capacity above 5 tonne and upto 150 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved model has been manufactured.

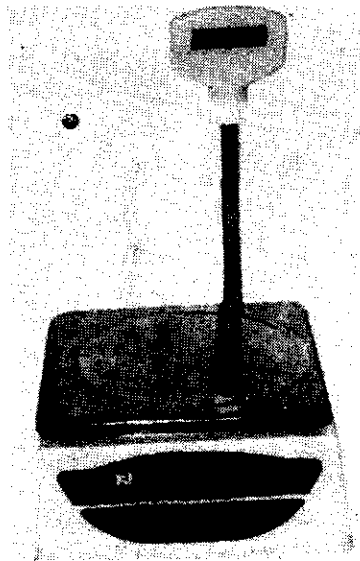
[F. No. WM-21(16)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1114.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स स्केल टैक इन्स्ट्रुमेंट्स, प्लॉट नं. 32/के/8, शिवाजी नगर, गोवन्दी, मुंबई, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "स्कैट" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "स्केल टैक" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/2005/1115 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का भार सैल आधारित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को इसके सामग्री, यथार्थत, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो जो 100 मि.ग्रा. से 2 ग्राम के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

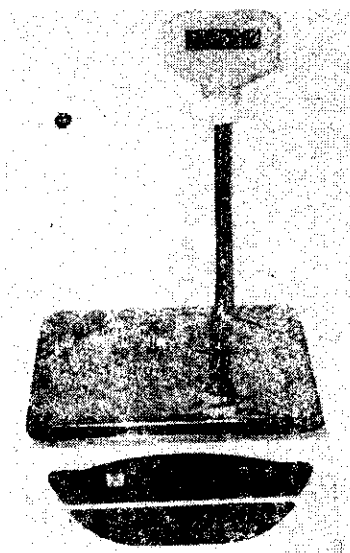
[फा. सं. डब्ल्यू एम-21(286)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1114.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (Accuracy class-III) of series "SCAT" and with brand name "Scale Tech" (hereinafter referred to as the said model), manufactured by M/s. Scale Tech Instruments, Plot No. 32/K/8, Shivaji Nagar, Govandi, Mumbai, Maharashtra and which is assigned the approval mark IND/09/2005/1115;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply ;

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of the similar make, accuracy and performance of the same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(286)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1115.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स स्केल टैक इन्स्ट्रूमेंट्स, प्लॉट नं. 32/के/8, शिवाजी नगर, गोवन्दी, मुंबई, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "स्कैप" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "स्केल टैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/2005/1116 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का भार सैल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 2 किलो ग्रा. है। सत्यापन मापमान अन्तराल (ई) 100 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 किलोग्राम से अधिक और 1000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

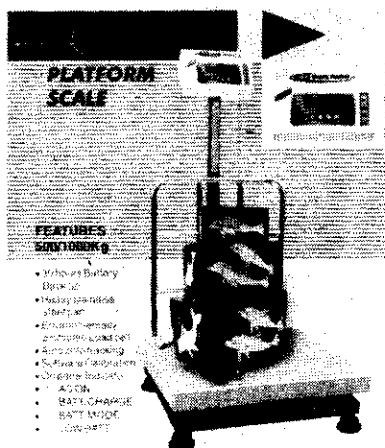
[फा. सं. डब्ल्यू एम-21(286)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1115.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series "SCAP" and with brand name "Scale Tech" (hereinafter referred to as the said Model), manufactured by M/s. Scale Tech Instruments, Plot No. 32/K/8, Shivaji Nagar, Govindi, Mumbai, Maharashtra and which is assigned the approval mark IND/09/05/1116:



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply;.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 1000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(286)/2005]

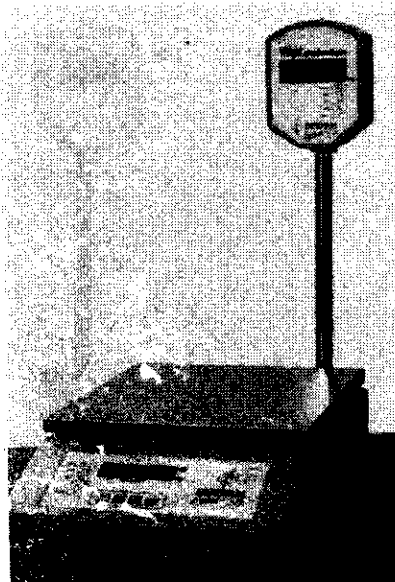
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1116.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सुरभि इंजीनियरिंग कं., 20/294, प्रीमियर, स्टाप, कलाई पी ओ र कालीकट-637003, केरल द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "डीएसटी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "दीपम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी /09/05/502 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है;

उक्त मॉडल विकृति गेज भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(137)/2005]

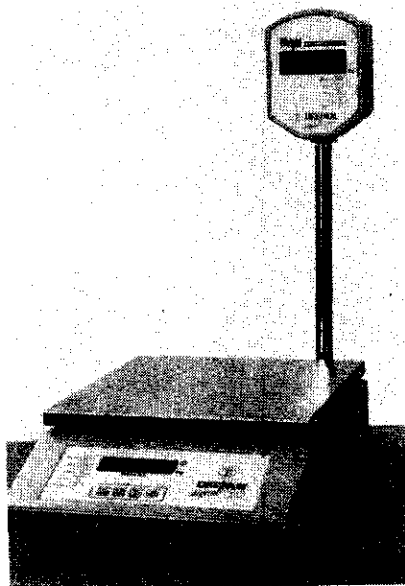
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1116.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of series "DST" of medium accuracy (Accuracy class-III) and with brand name "DEEPAM" manufactured by M/s. Surabi Engineering Co., 20/294, Premier Stop, Kallai P.O., Calicut-637 003, Kerala and which is assigned the approval mark IND/09/05/502;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100mg. to 2g. or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

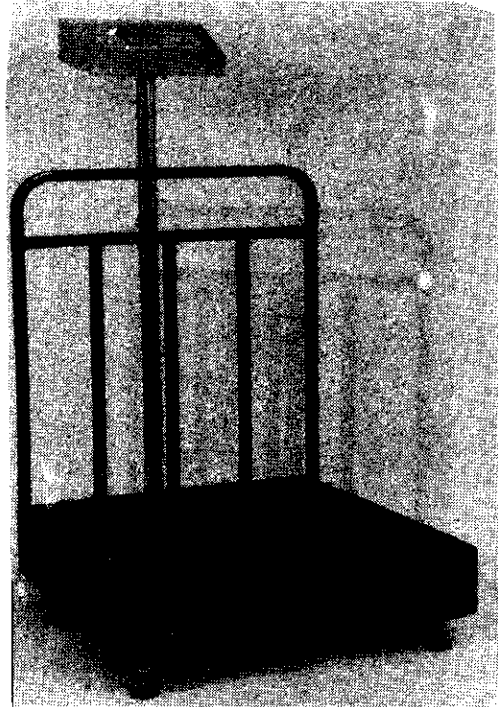
[F. No. WM-21(137)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1117.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सुरभि इंजीनियरिंग कं., 20/294 प्रीमियर स्टाप, कलाई पी ओ कालीकट-637 003, केरल द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "डीएसपी" शृंखला के अंकक सूचन सहित, स्वतःसूचक अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "दीपम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/503 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (टेबलटॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि. ग्रा. ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. से 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

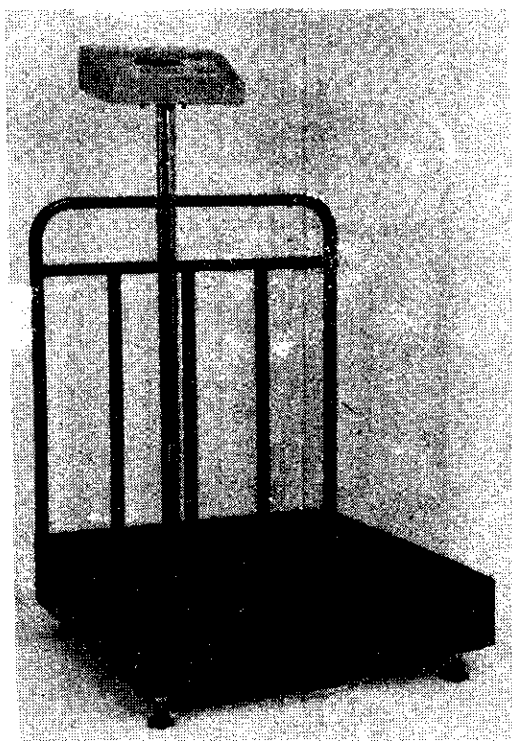
[फा. सं. डब्ल्यू एम-21(137)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1117.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of self indicating, non-automatic, (Platform type) weighing instrument with digital indication of series “DSP” of Medium accuracy (Accuracy class-III) and with brand name “DEEPAM” manufactured by M/s. Surabi Engineering Co., 20/294, Premier Stop, Kallai P. O., Calicut-637 003, Kerala and which is assigned the approval mark IND/09/05/503;



The said model is a strain gauge type load cell based weighing instrument with a maximum capacity of 1000 kg. and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50 kg. and up to 5000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g. or more and with ‘e’ value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(137)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1118.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स वार्या फ्यूल टेक. प्रा. लि., 26/3, काली गांव, मथुरा रोड, फरीदाबाद-121004 हरियाणा द्वारा निर्मित "वार्या-2" शृंखला के वितरण पंप (यांत्रिक प्रकार) के मॉडल का, जिसके ब्रांड का नाम "वार्या-2" और जिसे अनुमोदन चिह्न आई एन डी/09/05/678 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल पेट्रोलियम उत्पाद जैसे यथापरिस्थिति पेट्रोल, डिजल को मापने के लिए प्रयोग होने वाला वितरण पंप है। यह सादृश सूचन सहित हस्तप्रचालित यांत्रिक वितरण पंप है। इसका 10 मि. ली. सूक्ष्मतम खंड सहित अधिकतम आयतन 999.99 लीटर है और अधिकतम गति 10-20 ली. प्रति मिनट है। इसमें चार पिस्टन, घनात्मक विस्थापन मीटर सहित अपरिवर्तनीय यांत्रिक योगक के साथ है।

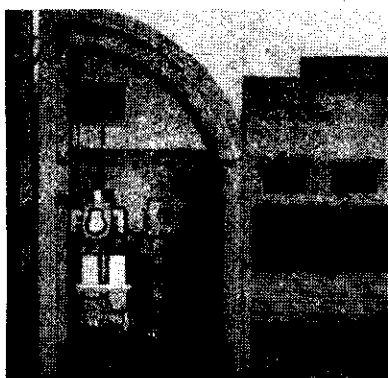
[फा. सं. डब्ल्यू एम-21(162)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1118.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of dispensing pump (mechanical type) of “VARYA-2” series with brand name “VARYA” (herein referred to as the said Model), manufactured by M/s. Varya Fuel Tech. Pvt. Ltd., 26/3, Kail Gaon, Mathura Road, Faridabad-121004, Haryana and which is assigned the approval mark IND/09/05/678;



The said model (see the figure given above) is a dispensing pump used for the measurement of petroleum products like petrol, diesel as the case may be. It is hand operated mechanical dispensing pump with analogue indication. Its maximum volume is 999.99 litre with 10 ml. smallest division and maximum speed 10-20 litres per minute. It consists of 4-piston positive displacement meter along with non-reversible mechanical totalizer.

[F. No. WM-21(162)/2005]

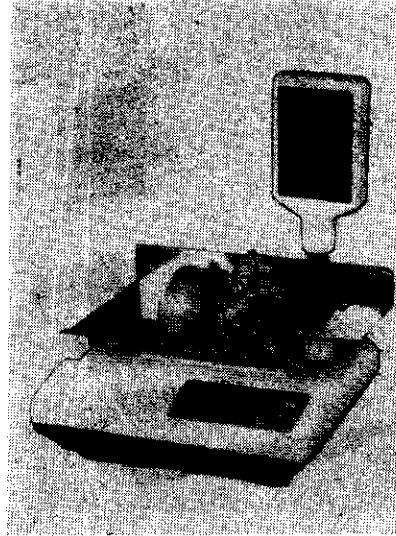
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1119.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स आजिले इंटरप्राइज, 108/109 हरि हरि सोसायटी, बी/एच बाला आश्रम, कटागाम रोड, सूरत-395004 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "वी टी ए-30" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "वेल्ट्रान" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/696 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति गेज भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यक्षवर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टार्विंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक के 'ई' मान के लिए 100 से 5,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के 'ई' मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(338)/2003]

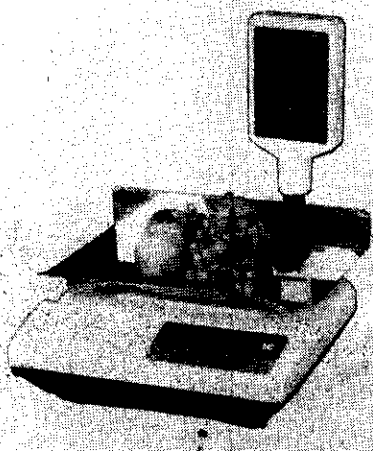
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1119.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "VTA-30" series of high accuracy (Accuracy class-II) and with brand name "VELTRON" (herein after referred to as the said model), manufactured by M/s. Ajile Enterprises, 108/109, Hari Hari Society, B/H Bala Ashram, Katagam Road, Surat-395 004 and which is assigned the approval mark IND/09/05/696;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 2 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternative current power supply.



In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 5,000 for 'e' value of 1mg. to 50 mg. and with number of verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(338)/2003]

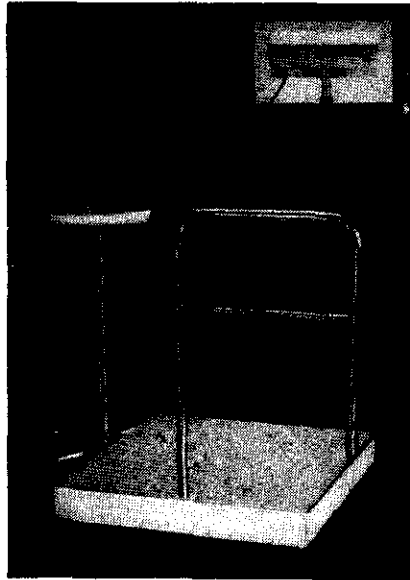
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1120.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स आजिले इंटरप्राइज, 108/109 हरि हरि सोसायटी, बी/एच बाला आश्रम, कटागाम रोड, सुरत-395004 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "वी पी ए" श्रृंखला के अंकक सूचन सहित, स्वतः सूचक, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "वेल्ट्रान" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/697 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति गेज भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन माप मान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21(338)/2003]

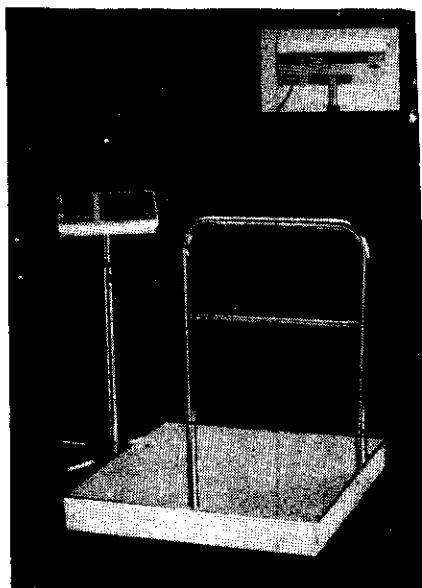
पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1120.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of “VPA-500” series of medium accuracy (Accuracy class-III) and with brand name “VELTRON” (herein after referred to as the said model), manufactured by M/s. Ajile Enterprises, 108/109, Hari Hari Society, B/h Bala Ashram, Katagam Road, Surat-395 004 and which is assigned the approval mark IND/09/05/697;

The said model (see the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 500kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, and 50 Hertz alternative current power supply;



In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of same series with maximum capacity above 50kg. and up to 1000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g. or more and with ‘e’ value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

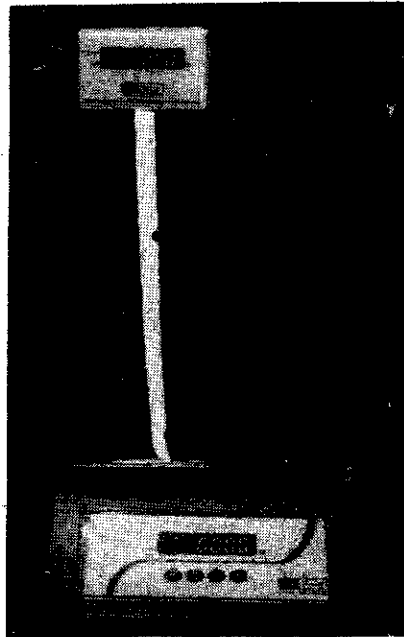
[F. No. WM-21(338)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1121.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मैक्स पावर इंडिया, डी-11, बालाजी अपार्टमेंट, हनुमान मंदिर के निकट, अमली, सिल्वासा, डी एण्ड एन एच द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एम पी आई-30 टी" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसका ब्रांड का नाम "मैक्स पावर" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/407 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति गेज भार सेल आधारित अस्वचालित (टेबलटॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्राम तक के 'ई' मान के लिए 100 से 5000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के 'ई' मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

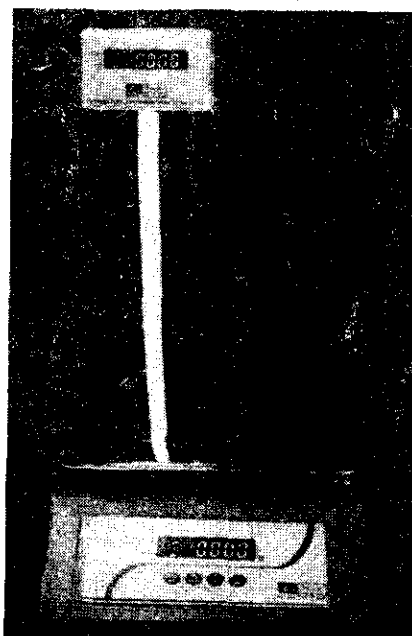
[फा. सं. डब्ल्यू एम-21(37)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1121.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "MPI-30-T" series of high accuracy (Accuracy class-II) and with brand name "Max Power" (hereinafter referred to as the said model), manufactured by M/s. Max Power India, D-11, Balaji Apartment, Near Hanuman Mandir, Amli, Silvassa, D & N. H. and which is assigned the approval mark IND/09/05/487;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50 mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(37)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1122.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उभयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स क्लास टेप कं०, प्लॉट सं० 10/ए, खोपोली-410203 जिला रायगढ़, महाराष्ट्र द्वारा निर्मित (यथार्थता वर्ग-III) वाले "क्लास एल टी-2" शृंखला के फाइबर ग्लास (प्लास्टिक) टेप मापक के मॉडल का, जिसका ब्रांड का नाम "क्लास-----" और जिसे अनुमोदन चिह्न आई एन डी/09/05/518 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल फाइबर ग्लास (प्लास्टिक) टेप मापक है जो उन मापनों में प्रयुक्त होता है जहां दुर्लभ लम्बाई का मापन सुविधा नहीं है या व्यवहार्य नहीं है। भवनों, सड़कों, टिम्बर और टिम्बर उत्पाद तथा अन्य समरूप मापन के लिए भी प्रयोग होता है लेकिन भूमि भंडारण टैंक, उत्क्षोभन वैट्स और अन्य समरूप समानयन सहित 15 मी. 2 मि. मी. की लम्बाई के मापन के लिए प्रयुक्त होता है। टेप की चौड़ाई 12 मि. मी. और मोटाई 0.45 मि. मी. है। टेप की अधिकतम लम्बाई की रेंज 3 मी., 10 मी., 15 मी. या 5 मी. से 100 मी. तक के गुणन में है।

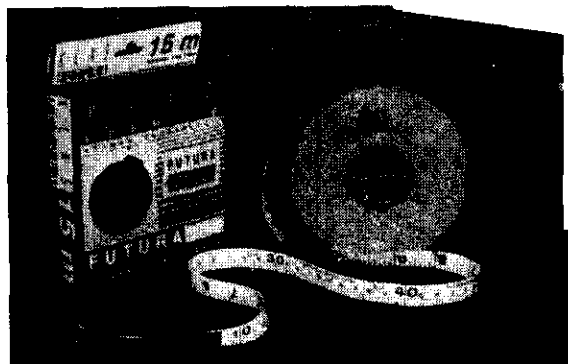
[फा. सं. डब्ल्यू एम-21(95)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1122.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Fiber Glass (Plastic) tape measure of “KLAS LT-2” series, (Accuracy class-III) and with brand name “KLAS” (hereinafter referred to as the said model), manufactured by M/s. Klas Tape Co., Plot No. 10/A, Khopoli-410 203, Distt.-Raigad, Maharashtra and which is assigned the approval mark IND/09/05/518;



The said model is is Fiber Glass (Plastic) tape measure used for measurements where the use of rigid length measure is not convenient or practicable and also used for measurements of buildings, roads, timber and timber products and for other similar measurements but not for measurement of land, storage tanks, fermentation vats and other similar measurements of length 15m with 2mm graduation. The tape has a with of 12mm and thickness of 0.45mm. The range of maximum length of the tapes is 5m, 10m, 15m, or multiples of 5m up to 100m.

[F. No. WM-21(95)/2005]

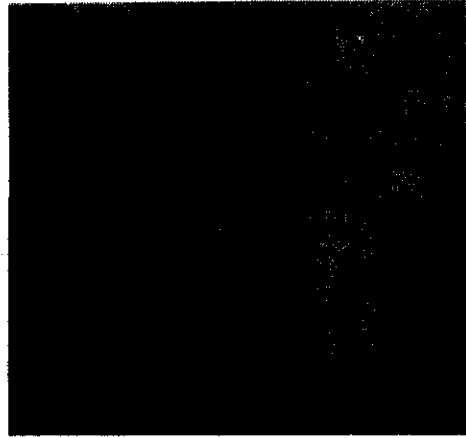
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1123.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स अल्फा वेईंग सोल्यूशंस प्राइवेट लिमिटेड, न्यू # 72 प्रथम तल, हबिबुल्ला रोड, टी नगर, चेन्नई-600017 द्वारा निर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "ए जे" शृंखला के अंकक सूचन सहित स्वतःसूचक, अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसका ब्रांड का नाम "अल्फा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/649 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल एक विकृति गेज प्रकार का लोड सैल आधारित अस्वचालित (टेबलटॉप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 220 ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्ट्रॉमिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्राम तक के 'ई' मान के लिए 100 से 5,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के 'ई' मान के लिए 5000 से 50,000 तक के रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(85)/2005]

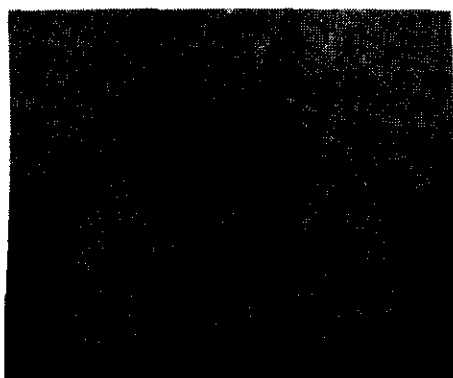
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1123.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "AJ" series of high accuracy (Accuracy class-II) and with brand name "ALFA" (hereinafter referred to as the said model), manufactured by M/s. Alfa Weighing Solutions Private Limited, New # 72, 1st Floor, Habibulla Road, T. Nagar, Chennai-600 017 and which is assigned the approval mark IND/09/05/649;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 220g and minimum capacity of 100g. The verification scale interval (e) is 10mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, and 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 5,000 for 'e' value of 1mg. to 50 mg and with Number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

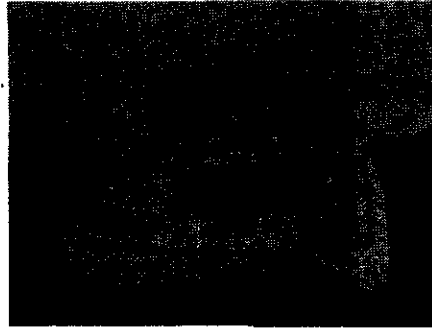
[F. No. WM-21(85)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1124.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स अल्फा वेईंग सोल्यूशंस प्राइवेट लिमिटेड, न्यू # 72, प्रथम तल, हबिबुल्ला रोड, टी नगर, चैन्नई-600017 द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "ए पी ओ एस" शृंखला के अंकक सूचन सहित स्वतःसूचक, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसका ब्रांड का नाम "अल्फा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/650 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्ध भी किया जाएगा।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 300 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

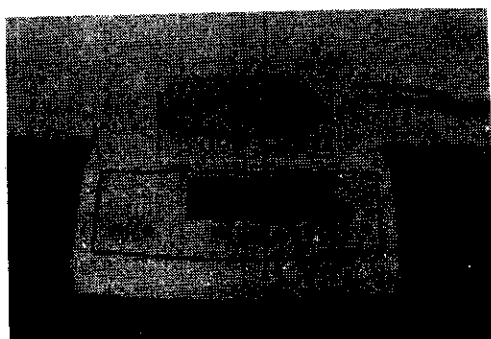
[फा. सं. डब्ल्यू एम-21(85)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1124.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "APOS" series of medium accuracy (Accuracy class-III) and with brand name "ALFA" (herein after referred to as the said model), manufactured by M/s. Alfa Weighing Solutions Private Limited, New # 72, 1st Floor, Habibulla Road, T. Nagar, Chennai-600 017 and which is assigned the approval mark IND/09/05/650;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30Kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

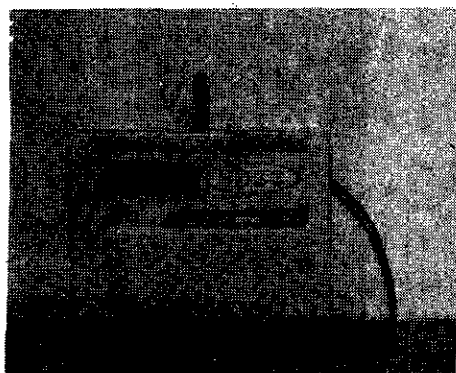
[F. No. WM-21(85)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1125.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स अल्फा वेईंग सोल्यूसंस प्राइवेट लिमिटेड, न्यू 72, प्रथम तल, हबिबुल्ला रोड, टी नगर, चैन्नई-600017 द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “ए एच” शृंखला के अंकक सूचन सहित स्वतःसूचक, अस्वचालित तोलन उपकरण (लटकने वाला स्केल प्रकार) के मॉडल का, जिसका ब्रांड का नाम “अल्फा” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/651 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 100 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 20 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 300 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

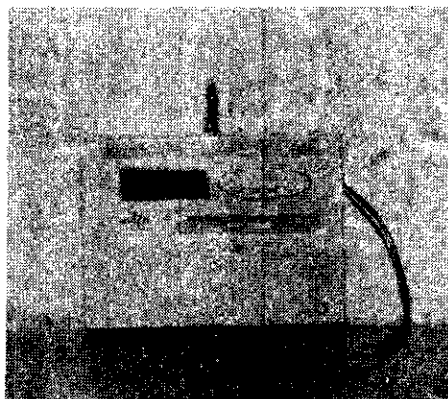
[फा. सं. डब्ल्यू एम-21(85)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1125.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Hanging Scale) weighing instrument with digital indication of "AH" series of medium accuracy (Accuracy class-III) and with brand name "ALFA" (hereinafter referred to as the said model), manufactured by M/s. Alfa Weighing Solutions Private Limited, New 72, 1st Floor, Habibulla Road, T. Nagar, Chennai-600 017 and which is assigned the approval mark IND/09/05/651;



The said model is a strain gauge type load cell based weighing instrument with a maximum capacity of 100 kg and minimum capacity of 2 kg. The verification scale interval (e) is 20g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity upto 300 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(85)/2005]

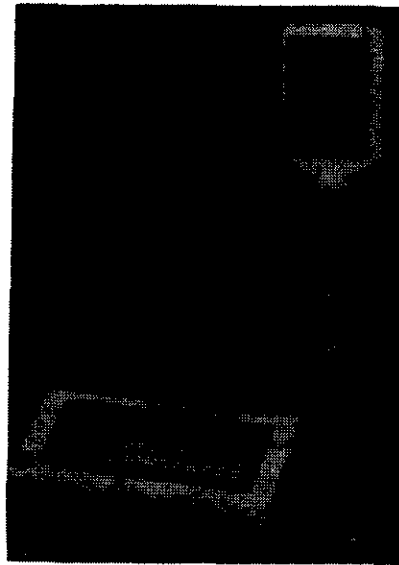
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1126.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेट्रोनिक्स, 172-173, एम आई ई, पार्ट-1, बहादुरगढ़, जिला झज्जर, हरियाणा द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “पी सी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “इलैक्ट्रो” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/608 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति गेज भार आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्राम तक के “ई” मान के लिए 100 से 1000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(17)/2005]

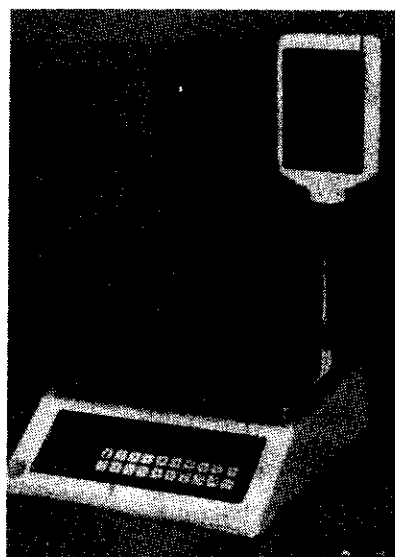
पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1126.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table Top type) weighing instrument with digital indication of "PC" series of medium accuracy (accuracy class-III) and with brand name "ELECTRO" (hereinafter referred to as the said model), manufactured by M/s. Weightronics, 172-173, M.I.E., Part-I, Bahadurgarh, Distt. Jhajjar, Haryana and which is assigned the approval mark IND/09/05/608;

The said model (see the figure given below) is a strain guage type load cell based non-automatic weighing instrument (Table Top type) with a maximum capacity of 30 kg and minimum capacity of 100 g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply;



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100 mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance of with the same principle, design and with the same materials with which, the said approved model has been manufactured.

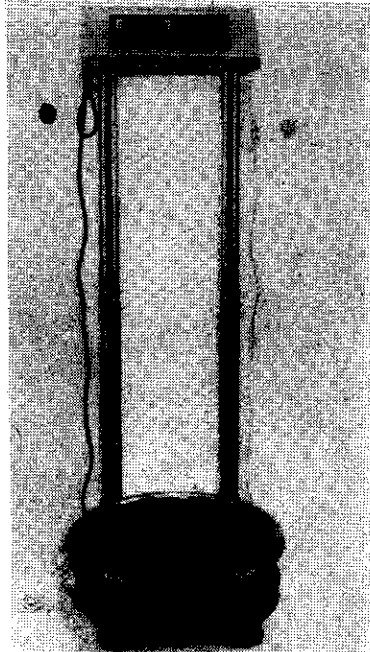
[F. No. WM-21(17)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1127.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एस्कार्ट डिजीटल, नं. 318, तीसरी मंजिल, रिलीफ शॉपिंग सेंटर, जी पी ओ के पास, रिलीफ रोड, अहमदाबाद, गुजरात द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “एम जेड-150सी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (व्यक्ति तोलन मशीन) के मॉडल का, जिसके ब्रांड का नाम “एस्कॉर्ट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/93 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सैल आधारित अस्वचालित तोलन उपकरण (व्यक्ति तोलन मशीन) है। इसकी अधिकतम क्षमता 150 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धान्त आदि के रूप में कोई परिवर्तन न किया जा सके।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 कि.ग्रा. से अधिक और 200 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

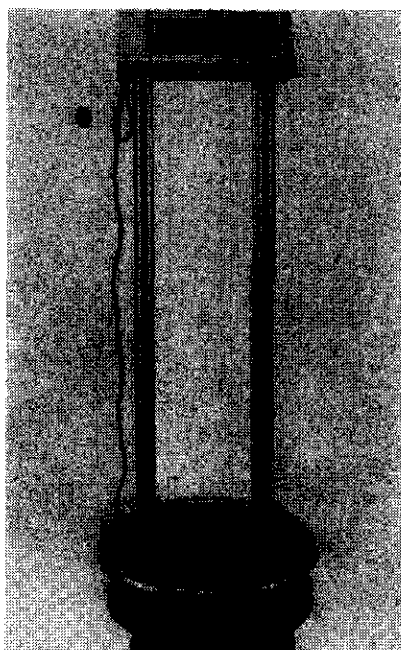
[फा. सं. डब्ल्यू एम-21(182)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1127.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Person Weighing Machine) with digital indication of "MZ-150C" series of medium accuracy (Accuracy class-III) and with brand name "ASCORT" (herein referred to as the said model), manufactured by M/s. Ascort Digital, No. 318, 3rd Floor, Relief Shopping Centre, Near G.P.O., Relief Road, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/2006/93;



The said model is a strain gauge type load cell non-automatic weighing instrument (Person Weighing Machine) with a maximum capacity of 150 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 100 kg. and upto 200 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

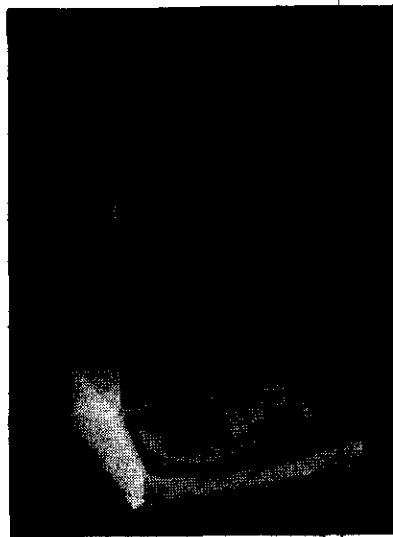
[F. No. WM-21(182)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1128.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा जारी अनुमोदित प्रमाणपत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स अपोलो स्केल्स मैनुफैक्चरिंग कं., हूट्टीवेली जं., एस एच मोडेंट पोस्ट कोर्टायम-686001, केरल द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले “ए एस-जेपी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “अपोलो” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/949 सन्मोदित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सैल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्राम से 50 मि.ग्र. तक “ई” मान के लिए 100 से 5,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्राम या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि. ग्राम तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

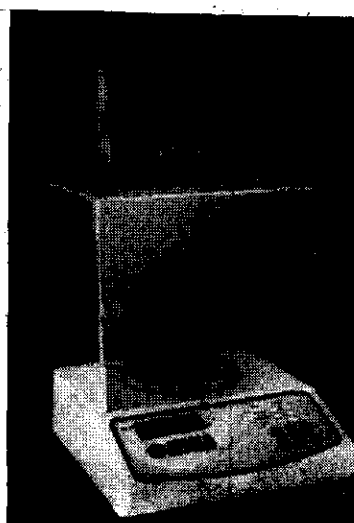
[फा. सं. डब्ल्यू एम-21(91)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1128.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "AS-JP" series of high accuracy (Accuracy class-II) and with brand name "APPOLO" (hereinafter referred to as the said Model), manufactured by M/s. Appolo Scales Mfg. Company, Choottuvally Jn. S.H. Mount-Post, Kottayam 686 006, Kerala and which is assigned the approval mark IND/09/05/549;



The said Model is a strain gauge type load cell non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity upto 50kg. and with number of verification scale interval (n) in the range of 100 to 5,000 for 'e' value of 1 g to 50 mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

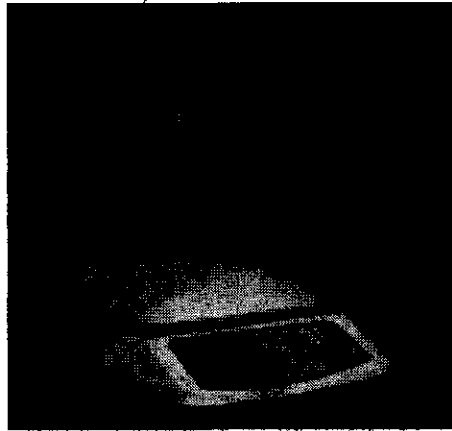
[F. No. WM-21(91)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1129.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा जारी अनुमोदित प्रमाण-पत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स अपोलो स्केल्स मैनुफैक्चरिंग कं. ह्यूटीवेली जं., एस एच माउन्ट पोस्ट, कोट्टायम-686006, केरल द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “ए एस-टी बी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “अपोलो” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/550 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

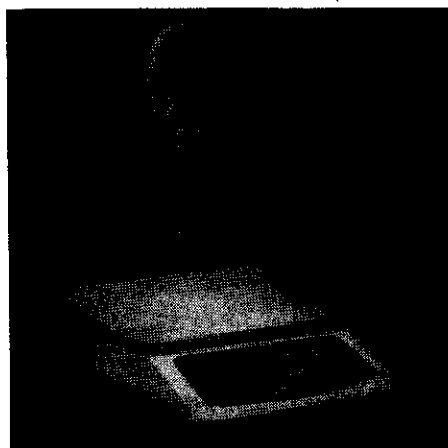
[फा. सं. डब्ल्यू एम-21(91)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1129.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "AS-TB" series of medium accuracy (Accuracy class-III) and with brand name "APPOLO" (hereinafter referred to as the said model), manufactured by M/s. Appolo Scales Mfg. Company, Choottuvvely Jn. S.H. Mount-Post, Kottayam-686 006, Kerala and which is assigned the approval mark IND/09/05/550;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

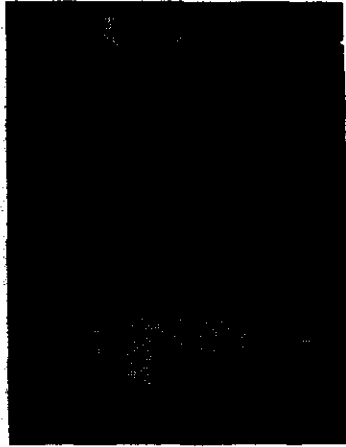
[F. No. WM-21(91)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1130.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा जारी अनुमोदित प्रमाण-पत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स अपोलो स्केल्स मैन्यूफैक्चरिंग कं. हर्टी वेलीजन, एस एच मोउन्ट पोस्ट कोर्टायम-686006, केरल द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले 'ए एस-पी टी' श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'अपोलो' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/551 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

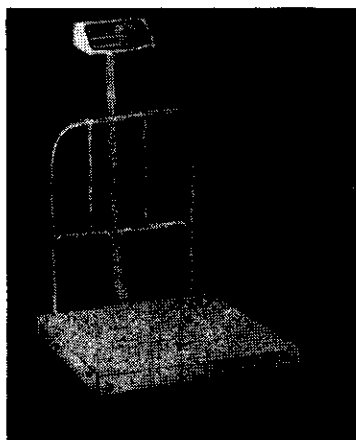
[फा. सं. डब्ल्यू एम-21(91)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1130.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "AS-PT" series of medium accuracy (Accuracy Class-III) and with brand name "APPOLO" (herein after referred to as the said model), manufactured by M/s Appolo Scales Mfg. Company, Choottuvely Jn. S.H. Mount-Post, Kottayam-686 006, Kerala and which is assigned the approval mark IND/09/05/551;



The said model is a strain gauge type load cell based weighing instrument with a maximum capacity of 1000 kg. and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of same series with maximum capacity above 50 kg. and up to 5000 kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

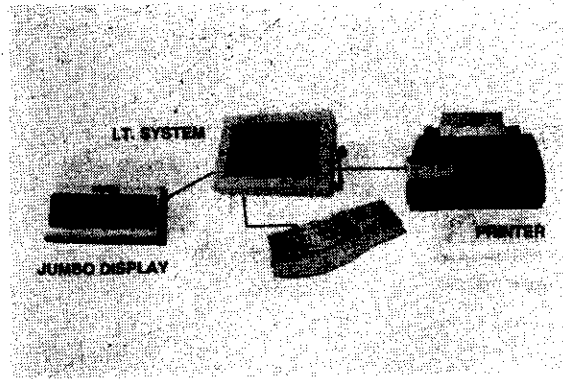
[F. No. WM-21(91)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2006

का.आ. 1131.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ईगल इन्स्ट्रूमेंट्स एण्ड सिस्टम, तीसरी मंजिल, एन के वाई टॉवर, अजानी स्क्वेयर, वर्धा रोड, नागपुर-440015 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “डब्ल्यू बी-60टी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम “वरटेक्स” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/1034 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक अस्वचालित तोलन उपकरण (वेब्रिज) है। इसकी अधिकतम क्षमता 60 टन है और न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 10 किलो ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 किलो ग्राम या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 5 टन से अधिक और 150 टन तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

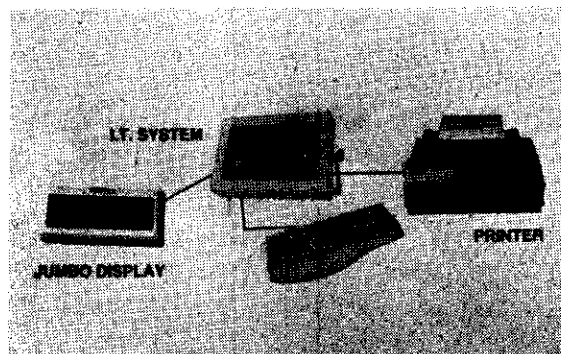
[फा. सं. डब्ल्यू एम-21(107)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2006

S.O. 1131.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of, non-automatic weighing instrument (weighbridge type) with digital indication belonging to medium accuracy (Accuracy class-III) of “WB-60T” series with brand name “**VERTEX**” (hereinafter referred to as the said model), manufactured by M/s Eagle Instruments & Systems, 3rd Floor, N.K.Y. Towers, Ajani Square, Wardha Road, Nagpur-440015 and which is assigned the approval mark IND/09/05/1034;



The said Model is a non-automatic weighing instrument (weighbridge) with a maximum capacity of 60 tonne and minimum capacity of 200kg. The verification scale interval (e) is 10kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply. The load cell is of strain gauge type.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 150 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg or more and with 'e' value 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(107)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

(भारतीय मानक ब्यूरो)

नई दिल्ली, 16 मार्च, 2006

का. आ. 1132. — भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक(कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)
1. आई एस 15328 : 2003	4 फरवरी, 2006	6 मार्च, 2006

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110 002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. सीईडी/राजपत्र]

जे.सी. अरोड़ा, वैज्ञानिक 'ई' व प्रमुख (सिविल इंजीनियरी)

नई दिल्ली, 20 मार्च, 2006

का. आ. 1133. — भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के उप-नियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्र. सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग	अनुभाग	वर्ष
1	2	3	4	5	6	7	8	9
1.	7586495	06-02-2006	लिस्टर पीटर इंडिया प्रा. लि., अंगराज वाटर पार्क के पास, 32/2/5/1ए कोठवा (बोके), पुणे-411 048	एक समान उद्देश्य के लिए (20 किवा तक) स्थिर गति दबाव के प्रज्वलन (डोजल) इंजिन्स	10001			1981
2.	7589202	20-02-2006	नक्कोडा सिल्वर एंड गोल्ड आभूषण प्रा. लि., 602, गणेश पैठ, कस्तूरी चौक के पास, पुणे-411 002	स्वर्ण और स्वर्ण मिश्र धातु आभूषणों/ कृत्रिम शिल्पकृति और चिन्हांकन	1417			1999
3.	7589303	20-02-2006	हिम्मतलाल पी एंड ब्रदर्स, 602/3, गणेश पैठ, विश्वेश्वर बैंक के सामने, पुणे-411 002	स्वर्ण और स्वर्ण मिश्र धातु आभूषणों/ कृत्रिम शिल्पकृति और चिन्हांकन	1417			1999
4.	7590183	01-02-2006	वीडियोकॉन इंटरनेशनल लिमिटेड, 14 किमी स्टोन, पैठन रोड, गाँव-चितेगाँव, तालुका-पैठन, जिला-औरंगाबाद	रूम एअर कंडीशनर (भाग-1) यूनिटरी एअर कंडीशनर्स	1391	01		1992
5.	7590688	21-02-2006	केपीटल कॉमर्स प्रा. लि., ई-25, एमआयडीसी, विकलघाना, औरंगाबाद-431 210	स्वर्ण और स्वर्ण मिश्र धातु आभूषणों/ कृत्रिम शिल्पकृति और चिन्हांकन	1417			1999
6.	7592894	28-02-2006	आप्टे कानाडे ज्वैलर्स प्रा. लि., 613/14, सेवासदन बिल्डिंग, सदाशिव पैठ, लक्ष्मी रोड, पुणे-411 030	स्वर्ण और स्वर्ण मिश्र धातु आभूषणों/ कृत्रिम शिल्पकृति और चिन्हांकन	1417			1999
7.	7592995	28-02-2006	गणेश रामचंद्र आप्टे, 873, वेस्ट मंगलवार पैठ, सोलापुर-413 007	स्वर्ण और स्वर्ण मिश्र धातु आभूषणों/ कृत्रिम शिल्पकृति और चिन्हांकन	1417			1999

[सं. सीएमडी-1/13 : 11]

एस. एम. भाटिया, उप महानिदेशक (मुहर)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 16th March, 2006

S.O. 1132. — In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
	(2)	(3)	(4)
1.	IS 15328 : 2003	4 February, 2006	6 March, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. CED/Gazette]

J. C. ARORA, Sc. 'E' & Head (Civil Engg.)

New Delhi, the 20th March, 2006

S.O. 1133.—In pursuance of sub-regulation (5) the Bureau of Indian Standards (Certification) Regulations 1988, the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name & Address of the Party	Title of the Standard	IS No.	Part	Section	Year
1	2	3	4	5	6	7	8	9
1.	7586495	6-2-2006	Lister Peter India Pvt. Ltd., Near Angaraj Water Park, 32/2/5/1, Kondhwa (BK) Pune-411048	Constant speed compression (Diesel) engines for general purposes (upto 20 kw)	10001			1981
2.	7589202	20-2-2006	Nakoda Silver & Gold Abhushan Pvt. Ltd., 602, Ganesh Peth, Near Kasturi Chowk, Pune-411002	Gold & Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
3.	7589303	20-2-2006	Himatlal P. & Brothers, 602/3, Ganesh Peth Opp. Vishveshwar Bank, Pune-411002	Gold & Gold Alloys, Jewellery/Artefacts— Fineness and Marking	1417			1999
4.	7590183	1-2-2006	Videocon International Ltd., 14 km Stone, Paithan Road, Village Chitegaon, Taluka Paithan, District Aurangabad	Room air conditioner (Part-1): Unitary air- conditioners	1391	01		1992
5.	7590688	21-2-2006	Capital Commerce Pvt. Ltd., E-25, MIDC Chikalthana, Aurangabad-431210	Asbestors cement pressure pipes	1592			2003
6.	7592894	28-2-2006	Apte Kanade Jewellers Pvt. Ltd., 613/14, Sevasadan Bldg., Sadashiv Peth, Laxmi Road, Pune-411030	Gold & Gold Alloys, Jewellery/ Artefacts— Fineness and Marking	1417			1999
7.	7592995	28-2-2006	Ganesh Ramchandra Apte, 873, West Mangalwar Peth, Solapur-413007	Gold & Gold Alloys, Jewellery/ Artefacts— Fineness and Marking	1417			1999

[No. CMD-1/13 : 11]

S. M. BHATIA, Dy. Director General (Marks)

नई दिल्ली, 20 मार्च, 2006

का. आ. 1134.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम (5) के उप-विनियम (6) के अन्वय में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द कर दिया गया है :—

अनुसूची

क्र. सं.	लाइसेंस संख्या	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
1	7483081	दीपसागर इंडस्ट्रीज गेट संख्या 124, एट पोस्ट चौकक, तालुका हटकनगले जिला-कोल्हापुर-412261	भामा 4984 : 1995 जल आपूर्ति के लिए उच्च घनत्व पॉलिथिलीन पाईप्स	16-01-2006

[सं. सीएमडी-1/13:13]

एस. एम. भाटिया, उप महानिदेशक (मुहर)

New Delhi, the 20th March, 2006

S.O. 1134.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licence particulars of which are given below have been cancelled with effect from the date indicated against each :—

SCHEDULE

Sr. No.	Licence No.	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled	Date of cancellation
1	7483081	Deepsagar Industries Gate No. 124, At Post Chokak, Taluka Hatkanangale District Kolhapur-412261	IS 4984 : 1995 High density polyethylene pipes for potable water supplies	16-1-2006

[No. CMD-1/13 : 13]

S. M. BHATIA, Dy. Director General (Marks)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 21 मार्च, 2006

का. आ. 1135.— केंद्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गयी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का०आ० 3500, तारीख 26, सितम्बर, 2005 द्वारा, तमिलनाडु राज्य में चेन्नई से तिरुच्चिरापल्ली होकर मदुराई तक और सितम्बर से शंकराई तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी।

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 27.10.2005 को उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उप धारा (1) के अनुसरण में सक्षम प्राधिकारी ने केंद्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केंद्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अतः अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है।

यह और कि केंद्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि के उपयोग का अधिकार इस अधिसूचना के प्रकाशन की तारीख से केंद्रीय सरकार में निहित होने की बजाय सभी बिल्लिंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालूका : कल्लकुरिच्चि		जिला : विल्लुपुरम		राज्य : तमिलनाडु	
गाँव का नाम	सर्वे नंबर	हिस्सा नंबर	क्षेत्रफल		
			हेक्टर	आर	वर्ग मीटर
1	2	3	4	5	6
नं . 129 कडुंगुली	174	8	0	12	60
नं . 117 नायिनारपालेयम	215	1ब	0	00	88
	215	2	0	03	04
	141	3	0	02	30
नं . 106 पेतसमुद्रम	191	7अ	0	00	66
	191	8ब	0	01	63
	86	1	0	02	74

[फा. सं. आर-25011/14/2004-ओ.आर.-I]

एस. के. चिटकारा, अवर सचिव

Ministry of Petroleum & Natural Gas

New Delhi, the 21st March, 2006

S.O. 1135.—Whereas, by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3500 dated the 26th September 2005 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum products from Chennai to Madurai via Tiruchirapalli and Sankari in the State of Tamilnadu, by the Indian Oil Corporation Limited;

And, whereas, copies of the said notification were made available to the public from 27.10.2005;

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Taluk :KALLAKURICHCHI		District : VILLUPURAM		State : TAMILNADU	
Name of the Village	Survey No.	Sub-Division No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
NO.129 KARUNGULI	174	8	0	12	60
NO.117 NAYINNARPALAYAM	215	1B	0	00	88
	215	2	0	03	04
	141	3	0	02	30
NO.106 PETTASAMUDRAM	191	7A	0	00	66
	191	8B	0	01	63
	86	1	0	02	74

[F. No. R-25011/14/2004-O.R.-I]

S. K. CHITKARA, Under Secy.

नई दिल्ली, 21 मार्च, 2006

का. आ. 1136.—केंद्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गयी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का०आ० 3501, तारीख 26, सितम्बर, 2005 द्वारा, तमिलनाडु राज्य में चेन्नई से तिरुच्चिरापल्ली होकर मदुराई तक और सितम्बर से शंकराई तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना से संलग्न अनूसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी। और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 27.10.2005 को उपलब्ध करा दी गई थी। और उक्त अधिनियम की धारा 6 की उप-धारा (1) के अनुसरण में सक्षम प्राधिकारी ने केंद्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केंद्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए ।

अतः अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है ।

यह और कि केंद्रीय सरकार, उक्त अधिनियम की धारा 6 की उप - धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि के उपयोग का अधिकार इस अधिसूचना के प्रकाशन की तारीख से केंद्रीय सरकार में निहित होने की बजाय सभी बिल्लिंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तालूका : रासिपुरम		जिला : नामक्कल		राज्य : तमिलनाडु	
गाँव का नाम	सर्वे नंबर	हिरसा नंबर	क्षेत्रफल		
			हेक्टर	आर	वर्ग मीटर
1	2	3	4	5	6
नं .60 ईश्वरमूर्तिपालेयम	186	5	0	00	84
	186	1ब	0	00	68
	183	5	0	01	09
	183	6	0	02	13
	237	4	0	01	00
	237	3	0	02	30
	237	2	0	01	84
	237	5ब	0	04	45
	238	1अ	0	01	47
	233	1	0	04	41
	197	1इ	0	03	23
	197	1जि	0	00	51
	198	1	0	11	06
	198	2अ	0	01	20
	199	2	0	00	88
	205	1ब	0	01	94

1	2	3	4	5	6
नं .57 आयलपट्टि	177	1अ3	0	01	55
नं .45 मुलैपल्लिपट्टि	143	1अ	0	07	92
	157	1	0	00	72
	223	7	0	10	12
	118	2	0	02	00
नं .47 नामगिरिपेट्टै	264	2अ7	0	04	33
नं .48 अरियगुण्डनपट्टि	52	3अ	0	19	59
	52	3ब	0	02	70
नं .91 अ.पच्चुदैयनपालयम	9	2	0	00	93
	9	3	0	01	35
	52	3अ	0	11	81
	52	3ब	0	02	66
नं .37 वोडुवन्कुरिचि	80	2ब1	0	01	96
नं .49 अ.जेदारपालैयम	2	2अ1	0	06	75
	4	4	0	02	28
नं .34 सिंगलंदपुरम	35	2	0	01	56
	35	4अ	0	06	94
नं .27 कुरुकापुरम	81	5	0	05	70
	81	7	0	01	00
नं .83 एल्लपालयम	11	2क	0	01	61
नं .29 पिल्लानल्लूर	104	1	0	11	89
	102	6एफ	0	03	72
	98	4	0	07	40
	98	5	0	03	40

तालूका : तिरुचेंगोडु	जिला : नामक्कल		राज्य : तमिलनाडु		
1	2	3	4	5	6
नं .84 मोरंगाम	90	1क	0	05	55
	83	-	0	03	96
	85	2	0	00	89
	78	2	0	01	56
नं 93 पयुटिपल्लि	78	2	0	00	89
	79	15हेच	0	02	00
	79	15ऐ	0	00	40

1	2	3	4	5	6
नं. 51 तिरुमंगलम	47	1	0	03	31
	45	2ब	0	05	53
नं. 52 करुप्पगवुंदमपाल्यम	14	1ब	0	04	19

[फा. सं. आर-25011/14/2004-ओ.आर.-1]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 21st March, 2006

S.O. 1136.—Whereas, by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3501 dated the 26st September 2005 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum products from Chennai to Madurai via Tiruchirapalli and Sankari in the State of Tamilnadu, by the Indian Oil Corporation Limited;

And, whereas, copies of the said notification were made available to the public from 27.10.2005;

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Taluk : Rasipuram		District : Namakkal		State : Tamil Nadu	
Name of the Village	Survey no.	Sub-Division no.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
No.60 ESWARAMURTHIPALAYAM	186	5	0	00	84
	186	1B	0	00	68
	183	5	0	01	09
	183	6	0	02	13
	237	4	0	01	00
	237	3	0	02	30
	237	2	0	01	84
	237	5B	0	04	45
	238	1A	0	01	47
	233	1	0	04	41
	197	1E	0	03	23
	197	1G	0	00	51
	198	1	0	11	06
	198	2A	0	01	20
	199	2	0	00	88
	205	1B	0	01	94
NO. 57 AYILPATTI	177	1A3	0	01	55
NO45. MULAIPALLIPATTI	143	1A	0	07	92
	157	1	0	00	72
	223	7	0	10	12
	118	2	0	02	00
NO. 47 NAMAGIRIPETTAI	264	2A7	0	04	33
NO. 48 ARIYAGOUNDANPATTI	52	3A	0	19	59
	52	3B	0	02	70
NO.91.O. PACHUDAYAMPALAYAM	9	2	0	00	93
	9	3	0	01	35
	52	3A	0	11	81

1	2	3	4	5	6
	52	3B	0	02	66
NO.37 ODUVANKURICHI	80	2B1	0	01	96
NO.49 O.JEDARPALAYAM	2	2A1	0	06	75
	4	4	0	02	28
NO.34 SINGALANDAPURAM	35	2	0	01	56
	35	4A	0	06	94
NO.27 KURUKKAPURAM	81	5	0	05	70
	81	7	0	01	00
NO.83 ELLAPPALAYAM	11	2C	0	01	61
NO.29 PILLANALLUR	104	1	0	11	89
	102	6F	0	03	72
	98	4	0	07	40
	98	5	0	03	40
Taluk : Tiruchengode District : Namakkal State : Tamil Nadu					
1	2	3	4	5	6
NO.84 MORANGAM	90	1C	0	05	55
	83	-	0	03	96
	85	2	0	00	89
	78	2	0	01	56
NO.93 PARUTHIPALLI	78	2	0	00	89
	79	15H	0	02	00
	79	15J	0	00	40
NO.51 THIRUMANGALAM	47	1	0	03	31
	45	2B	0	05	53
NO.52 KARUPPAGOUNDAMPALAYAM	14	1B	0	04	19

[F. No. R-25011/14/2004-O.R.-I]
S. K. CHITKARA, Under Secy.

नई दिल्ली, 21 मार्च, 2006

का. आ. 1137.—केंद्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गयी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 3502, तारीख 26, सितम्बर, 2005 द्वारा, तमिलनाडु राज्य में चेन्नई से तिरुच्चिरापल्ली होकर मदुराई तक और सितम्बर से शंकराई तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी।

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 27.10.2005 को उपलब्ध करा दी गई थी ।

और उक्त अधिनियम की धारा 6 की उप धारा (1) के अनुसरण में सक्षम प्राधिकारी ने केंद्रीय सरकार को अपनी रिपोर्ट दे दी है ।

और केंद्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए ।

अतः अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है ।

यह और कि केंद्रीय सरकार, उक्त अधिनियम की धारा 6 की उप - धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि के उपयोग का अधिकार इस अधिसूचना के प्रकाशन की तारीख से केंद्रीय सरकार में निहित होने की बजाय सभी बिल्लिंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तालूका : आत्तूर		जिला : सेलम		राज्य : तमिलनाडु	
गाँव का नाम	सर्वे नंबर	हिस्सा नंबर	क्षेत्रफल		
			हेक्टर	आर	वर्ग मीटर
1	2	3	4	5	6
नं . 97 नत्तक्करै	108	4ब	0	01	00
नं . 86 देवियाकुरिच्चि	141	2अ	0	07	86
नं . 72 बलैयमादेयि	48	5	0	00	40
	48	6	0	04	00
	48	8ऐ	0	12	90
	48	8के	0	00	93
	48	8जे	0	00	60
	48	8एम	0	02	50
नं . 70 आत्तूर टाउन		वार्ड एफ ब्लॉक नं . 12			
	9	2	0	06	31
		वार्ड एफ ब्लॉक नं . 16			
	14	1	0	01	40
	14	2	0	02	28

1	2	3	4	5	6
		वार्ड एफ ब्लॉक नं. 19			
	2	2	0	00	72
		वार्ड एफ ब्लॉक नं. 17			
	2	5	0	00	62
	1	3	0	01	25
	3	2	0	05	57
नं. 52 नरसिंगपुरम	326	4	0	05	90
	326	3	0	01	75
	341	233	0	05	00
	342	1इ	0	01	41
	342	1जि	0	00	96
	325	2	0	03	36
	317	1	0	01	31
	403	1ड	0	02	05
	403	2	0	01	17
नं. 45 सिलियमपट्टि	138	4	0	04	22
	138	5	0	01	08
	184	5	0	18	50
	184	6	0	13	62
	183	10	0	13	66
	187	10	0	02	88
	125	3	0	02	74

तालूका : संकरि	जिला : सेलम		राज्य : तमिलनाडु		
1	2	3	4	5	6
नं. 21 मोरूर	623	2अ	0	08	26
	617	2अ	0	03	44
	632	—	0	38	37
नं. 22 कस्तूरिपट्टि	236	2	0	10	74
	237	48	0	03	46
	237	49	0	00	82
	237	50	0	06	00
	237	51	0	01	86

[फा. सं. आ. : 25011/14/2004-ओ.आर. 1]

एम. के. चिट्कारा, अवर सचिव

New Delhi, the 21st March, 2006

S. O. 1137.— **Whereas, by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3502 dated the 26st September 2005 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum products from Chennai to Madurai via Tiruchirapalli and Sankari in the State of Tamilnadu, by the Indian Oil Corporation Limited;**

And, whereas, copies of the said notification were made available to the public from 27.10.2005;

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Taluk : Attur		District : Salem		State : Tamil Nadu	
Name of the Village	Survey no.	Sub-Division no.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
NO. 97 NATHAKARAI	108	4B	0	01	00
NO. 86 DEVIYAKURICHI	141	2A	0	07	86
NO.72 VALAIYAMADEVI	48	5	0	00	40
	48	6	0	04	00
	48	8I	0	12	90
	48	8K	0	00	93

1	2	3	4	5	6
No. 72 VALAIYAMPATTI	48	8J	0	00	60
	48	8M	0	02	50
NO. 70 ATTUR TOWN					
		Ward F Block No. 12			
	9	2	0	06	31
		Ward F Block No. 16			
	14	1	0	01	40
	14	2	0	02	28
		Ward F Block No. 19			
	2	2	0	00	72
		Ward F Block No. 17			
	2	5	0	00	62
	1	3	0	01	25
	3	2	0	05	57
NO. 52 NARASINGAPURAM	326	4	0	05	90
	326	3	0	01	75
	341	2D3	0	05	00
	342	1E	0	01	41
	342	1G	0	00	96
	325	2	0	03	36
	317	1	0	01	31
	403	1D	0	02	05
	403	2	0	01	17
NO 45 SEELIYAMPATTI	138	4	0	04	22
	138	5	0	01	08
	184	5	0	18	50
	184	6	0	13	62
	183	10	0	13	66
	187	10	0	02	88
	125	3	0	02	74

Taluk : Sankar

District : Salem

State : Tamil Nadu

1	2	3	4	5	6
NO. 21 MORUR	623	2A	0	08	26
	617	2A	0	03	44
	632	-	0	38	37
NO. 22 KASTHURIPATTI	236	2	0	10	74
	237	48	0	03	46
	237	49	0	00	82
	237	50	0	06	00
	237	51	0	01	86

[F. No. R-25011/14/2004-O.R.-I]
S. K. CHITKARA, Under Secy.

नई दिल्ली, 21 मार्च, 2006

का. आ. 1138.— केन्द्रीय सरकार ने पेट्रोलियम और प्राकृतिक गैस मंत्रालय के का. आ. 4714 दिनांक 16.12.2005 द्वारा पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन अधिसूचना प्रकाशित कर, ब्यावर से चित्तौड़गढ़ तक पेट्रोलियम उत्पादों के परिवहन के लिए “सिद्धपुर-सांगर” पाइपलाइन से चित्तौड़गढ़ तक ब्रान्च लाईन” के कार्यान्वयन हेतु एक शाखा पाइपलाइन बिछाने के उक्त अधिसूचना में विनिर्दिष्ट तहसील आसीन्द, जिला भीलवाड़ा, राजस्थान राज्य की भूमि अधिसूचित की थी।

और उक्त अधिसूचना की प्रतियाँ जनता को दिनांक 27.01.2006 तक उपलब्ध करा दी गईं।

और उक्त अधिनियम की धारा 6 की उप-धारा (1) के अनुसरण में सक्षम प्राधिकारी, राजस्थान, ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाता है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लिंगों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : आसीन्द		जिला : भीलवाड़ा		राज्य : राजस्थान	
गांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
मोटरास	41	0	10	50	
संग्रामगढ़	446/2083	0	00	20	
बरसनी	5974/61	0	11	70	
	5980/236	0	10	30	
	5976/223	0	14	80	
	5995/1041	0	05	30	
	5942/222	0	00	20	
	5949/1063	0	00	70	
	6031/4745	0	00	30	
	6032/4745	0	13	10	
आमेसर	3261	0	07	00	
	5040/3262	0	10	40	
	3256	0	02	70	
	3258	0	00	60	
	5039/3257	0	06	70	

[फा. सं. आर-25011/31/2004-ओ.आर.-I]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 21st March, 2006

S. O. 1138.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. number 4714 dated 16.12.2005 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land in Tehsil : Asind, District : Bhilwara in the State of Rajasthan, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum products in the State of Rajasthan from Beawar to Chittaurgarh in respect of "Branch Pipeline to Chittaurgarh from Sidhpur – Sanganer Pipeline" by the Indian Oil Corporation Limited

And whereas, copy of the said notification was made available to the general public on 27.01.2006

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this Notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : ASIND		District : BHILWARA		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
Motras	41	0	10	50	
Sangramgarh	446/2083	0	00	20	
Barsani	5974/61	0	11	70	
	5980/236	0	10	30	
	5976/223	0	14	80	
	5995/1041	0	05	30	
	5942/222	0	00	20	
	5949/1063	0	00	70	
	6031/4745	0	00	30	
	6032/4745	0	13	10	
Amesar	3261	0	07	00	
	5040/3262	0	10	40	
	3256	0	02	70	
	3258	0	00	60	
	5039/3257	0	06	70	

[F. No. R-25011/31/2004-O.R.-I]
S. K. CHITKARA, Under Secy.

नई दिल्ली, 21 मार्च, 2006

का. आ. 1139.—केन्द्रीय सरकार ने पेट्रोलियम और प्राकृतिक गैस मंत्रालय के का. आ. 4715 दिनांक 16.12.2005 द्वारा पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन अधिसूचना प्रकाशित कर, ब्यावर से चित्तौड़गढ़ तक पेट्रोलियम उत्पादों के परिवहन के लिए “सिद्धपुर-सांगानेर पाइपलाइन से चित्तौड़गढ़ तक ब्रान्च लाईन” के कार्यान्वयन हेतु एक शाखा पाइपलाइन बिछाने के लिये उक्त अधिसूचना में विनिर्दिष्ट तहसील चित्तौड़गढ़, जिला चित्तौड़गढ़, राजस्थान राज्य की भूमि अधिसूचित की थी।

और उक्त अधिसूचना की प्रतियाँ जनता को दिनांक 27.01.2006 तक उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उप-धारा (1) के अनुसरण में सक्षम प्राधिकारी, राजस्थान, ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाता है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : चित्तौड़गढ़		जिला : चित्तौड़गढ़		राज्य : राजस्थान	
गांव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
पाण्डोली	1340	0	05	40	

[फा. सं. आर-25011/31/2004-ओ.आर.-1]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 21st March, 2006

S.O. 1139.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. number 4715 dated 16.12.2005 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land in Tehsil : Chittaurgarh, District : Chittaurgarh in the State of Rajasthan, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum products in the State of Rajasthan from Beawar to Chittaurgarh in respect of "Branch Pipeline to Chittaurgarh from Sidhpur – Sanganer Pipeline" by the Indian Oil Corporation Limited.

And whereas, copy of the said notification was made available to the general public on 27.01.2006.

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this Notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : CHITTAURGARH		District:CHITTAURGARH		State : RAJASTHAN	
Name of the Village	Khasara No.	Area			
		Hectare	Are	Sq.mtr.	
1	2	3	4	5	
PANDOLI	1340	0	05	40	

[F. No. R-25011/31/2004-O.R.-I]
S. K. CHITKARA, Under Secy.

नई दिल्ली, 22 मार्च, 2006

का. आ. 1140.— **केंद्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में, नीचे दी गई अनुसूची के स्तम्भ (1) में उल्लिखित व्यक्ति को, हरियाणा, पंजाब एवं राजस्थान राज्य में, उक्त अनुसूची के स्तम्भ (2) में उल्लिखित क्षेत्र की बाबत इन राज्यों में अवस्थित विभिन्न उपभोक्ताओं को पेट्रोलियम पदार्थ वितरण के लिए मैसर्स गेल (इण्डिया) लिमिटेड द्वारा पाइपलाइनें बिछाने के लिए उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए प्राधिकृत करती है।**

अनुसूची

व्यक्ति का नाम और पता	अधिकारिता का क्षेत्र
(1)	(2)
श्री डी.वी. मिश्र, तहसीलदार, मैसर्स गेल (इण्डिया) लिमिटेड में प्रतिनियुक्ति पर बी-35-36, सेक्टर-1, जिला गौतम बुद्ध नगर, नोएडा - 201301 (उत्तर प्रदेश)	सम्पूर्ण हरियाणा, पंजाब एवं राजस्थान राज्य।

[फा. सं. एल-14014/7/05-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 22nd March, 2006

S. O. 1140.—In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorize the person mentioned in column (1) of the Schedule below to perform the functions of the Competent Authority under the said Act for laying of the pipelines by M/s. GAIL (India) Limited in the State of Haryana, Punjab and Rajasthan for distribution of petroleum products to various consumers located in that State in respect of the areas mentioned in column (2) of the said Schedule.

Schedule

Name and Address of the person	Area of Jurisdiction
(1)	(2)
Shri D.V. Mittal, Tehsildar, on deputation to M/s. GAIL (India) Limited, B-35-36, Sector-1, Distt. Gautam Budh Nagar, Noida - 201301 (Uttar Pradesh)	Whole Haryana, Punjab and Rajasthan State

[F. No. L-14014/7/05-G.P.]
S. B. MANDAL Under Secy.

नई दिल्ली, 24 मार्च, 2006

का. आ. 1141.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 3955, तारीख 24 अक्टूबर, 2005 को अधिकांत करते हुए सिवाए उन बातों के जो ऐसे अधिकरण से पूर्व की गई हैं, या जिन्हें करने का लोप किया गया है, श्री जे. पी. दीवान को मैसर्स गेल (इण्डिया) लिमिटेड द्वारा गुजरात राज्य में पाइपलाइन बिछाने के लिए उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए नियुक्त किया;

और गुजरात सरकार ने उक्त श्री जे.पी. पटेल, विशेष भूमि अध्याप्ति अधिकारी को मैसर्स गेल (इण्डिया) लिमिटेड में अतिरिक्त कार्य भार दिया;

और उक्त श्री जे. पी. दीवान सेवानिवृत्त मामलातदार, संविदा पर की मैसर्स गेल (इण्डिया) लिमिटेड के साथ प्रतिनियुक्ति समाप्त हो गई है;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 2 के खंड (क) के अनुसरण में और भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 3955, तारीख 24 अक्टूबर, 2005 को अधिकांत करते हुए, नीचे दी गई अनुसूची के स्तंभ (1) में वर्णित व्यक्ति को उक्त मैसर्स गेल (इण्डिया) लिमिटेड द्वारा पाइपलाइन बिछाने के लिए निम्नलिखित अनुसूची के स्तंभ (2) में वर्णित क्षेत्र में उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए नियुक्त करती है।

अनुसूची

अधिकारिता का क्षेत्र (2)	व्यक्ति का नाम और पता (1)
सम्पूर्ण गुजरात राज्य	श्री जे.डी. पटेल, विशेष भूमि अध्याप्ति अधिकारी, अतिरिक्त कार्य भार, सड़म प्राधिकारी मैसर्स गेल (इण्डिया) लिमिटेड, इच्छापुर, मेघदला रोड, पो. : ओ.एन.जी.सी., हजीरा , सूरत-394518 (गुजरात)

[फा. सं. एल-14014/20/05-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 24th March, 2006

S. O. 1141.—Whereas, in pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government vide Notification of Government of India in the Ministry of Petroleum and Natural Gas S.O. 3955, dtd. 24th Oct, 2005 appointed Shri J.P. Diwan, Retd. Mamalatdar to perform the functions of the competent authority under said Act for laying of the pipeline by M/s. GAIL (India) Limited in the state of Gujarat;

And, whereas, Govt. of Gujarat has given additional charge of Competent Authority to Shri J.D. Patel, Spl. Land Acquisition Officer;

And, whereas, the services of said Shri J.P. Diwan Retd. Mamalader on Contract with M/s. GAIL (India) Limited has come to an end;

Now, therefore, in pursuance of clause (a) of section (2) of the said Act and in supersession of the notification of the Government of India, Ministry of Petroleum & Natural Gas vide S.O. 3955, dtd. 24th Oct, 2005, the Central Government hereby authorises the person mentioned in column (1) of the schedule given below to perform the functions of the Competent Authority under the said Act for laying pipelines by the said M/s. GAIL (India) Limited in the area mentioned in column (2) of the said schedule.

Schedule

Area of Jurisdiction (2)	Name and Address of the person (1)
Whole State of the Gujarat	Shri J.D. Patel, Spl. Land Acquisition Officer, Additional charge of Competent Authority M/s. GAIL (India) Limited, Ichhapur, Meghdalla Road, P.O. ONGC, Hazira, Surat-394 518 (Gujarat)

[F. No. L-14014/20/05-G.P.]

S. B. MANDAL Under Secy.

श्रम मंत्रालय

नई दिल्ली, 27 फरवरी, 2006

का.आ. 1142.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल एयरपोर्ट ऑथोरिटी ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ नं.-1 के पंचाट संदर्भ संख्या 47/96 को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-2-2006 को प्राप्त हुआ था।

[सं. एल-11012/9-95-आई आर (विधि)]

बी.एम. डेविड, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 27th February, 2006

S.O. 1142.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award (Ref. No. 47/96) of the Central Government Industrial Tribunal -cum-Labour Court, Chandigarh No. 1 as shown in the annexure in the Industrial Dispute between the employers in relation to the management of National Airport Authority of India and their workman, which was received by the Central Government on 21-2-2006.

[No. L-11012/9/95-IR (Misc.)]

B.M. DAVID, Under Secy

ANNEXURE**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1 CHANDIGARH**

Case No. I.D. 47/96

Smt. Jagiro Devi W/o Sh. Kashmiri Lal Village Beri,
Post Bandi, Distt, Kangra H.P.-176209

.... Applicant

Versus

Aerodrome Officer, National Airport Authority
of India Gaggal, H.P.-176209

.... Respondent

APPEARANCES

For the workman	:	Shri Hardyal Singh.
For the management	:	Shri Jagdish Manchanda

AWARD

(Passed on 25-1-2006)

Central Govt. vide No. L.-11012/9/95-IR (D) dated 25th of April, 1996 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of Airport Authority of India respresented through Aerodrome Officer, Kangra Airport, Authority of India. Distt. Kangra, H.P. in terminating the service of Smt. Jagiro Devi W/o Kashmiri Lal a daily rated Sweeper w.e.f. 3-6-93 is legal and just? If not to what relief the workman is entitled to and from which date?”

2. workman filed claim statement and submitted that she was appointed as sweeper at Kangra Airport Gaggal on 3-10-92 and continuously worked upto 3-6-1993 when her services were terminated. It is submitted that the termination of the workman on 3-6-93 is illegal and arbitrary and against the provisions of law as the management has not complied with the mandatory provisions of Section 25F of the I.D. Act, 1947 as workman has already put in more than 240 days of service in a calander year. It is further submitted that the work of sweeper is of permanent nature and new appointments were made after the termination of the workman, thus the management violated Section 25G and H of the I.D. Act. It is prayed that she may be reinstated with continuity of service and full back wages.

3. Management filed written statement wherein the management has given the detail of working days of the workman. It is submitted that workman worked on daily wage basis only for 202 days and she has not completed 240 days in one calendar year, therefore, there is no violation of Section 25 of the I.D. Act, 1947. It is further submitted that the work was not of permanent nature. It is specifically denied that any new appointments has been made in place of the workman. It is submitted that the work of sweeping cleaning and civil work has been given on contract by the management. Therefore, there is also no violation of Section 25 G & H of the I.D. Act and that is not challenged by the workman.

4. In evidence the workman filed her affidavit Ex. W1 and examined herself as WW1. The management also filed affidavit Ex. M1 of S.K. Sharma and also filed documents Ex. M2 to M14 which are showing attendance of workman and total amount paid as daily wages as per management. Both witnesses were cross-examined at length by the rival counsels.

5. Learned counsel for the workman Sh. Hardyal Singh submitted that it is a case of violation of Section 25-F. G and H of the I.D. Act. Workman Jagiro Devi was appointed as Sweeper at Kangra Airport Gaggal H.P. on 3-10-92 and continuously worked upto 3-6-93 when her services were terminated and she has completed 240 days and her termination is illegal, arbitrary and against the provisions of the I.D. Act as no notice was given before her termination nor any retrenchment compensation was paid to the workman at the time of her termination. The work of Sweeper is of permanent nature and after termination of the workman new appointment was made and workman was

not offered any appointment when new person was appointed and it is also violation of 25G and H of the I.D. Act. Learned Counsel for the workman submitted that workman has completed 240 days and no notice or retrenchment compensation was paid when her services were terminated. It is submitted that workman has proved that the action of the management of Airport Authority of India represented through Aerodrome Officer, Kangra Airport Authority of India Distt. Kangra, H.P. in terminating the service of Smt. Jagiro Devi W/o Kashmiri Lal a daily rated Sweeper w.e.f. 3-6-93 is illegal and unjust and as workman remained unemployed she may be reinstated in service with full back wages.

6. On the other hand Learned Counsel for the management Sh. Jagdish Manchanda submitted that workman has no claim as she did not complete 240 days even after including holidays and working days and in all she has worked only for 202 days from October 92 to 3-6-93. It is also submitted that management has also filed and proved payment vouchers and working days of the workman by placing on record Ex. M2 to M14 wherein working days of workman also given along with payment made to her every month. He also submitted that workman has worked as per Ex. M2 to M14 every month as under: Ex. M2 (4 days), M3 (4 days) M4 (5 days), M5 (7 days) M6 (6 days) M7 (7 days) M8 (15 days) M9 (31 days), M10 (28 days), M.11 (31 days), M12 (29 days), M.13 (31 days), M.14 (3 days). It is also mentioned that workman has worked only for 202 days including rests and holidays. He also submitted that workman herself in evidence admitted on oath that she was paid for the days on which she worked and no appointment letter was given, no advertisement was made by the management and one Shakuntla Devi has been engaged on daily wages. He also submitted that MW1 in his cross-examination by Ld. advocate of the workman admitted that there was no permanent safaiwala working in October 92. Total three Safaiwala were working namely Kashmiri Lal, Jagiro Devi and Ram Lal. The authority needed two safaiwalas on the flight day and none of them was permanent. The daily wages were paid from the impressed amount and they do not get from the contingent or the salary head. It is also orally stated by MW1 this from 4-6-93 contract labour was engaged through contractor and contract was given by New Delhi Airport Authority which is not a party in it nor it is challenged. He also submitted that as workman did not complete 240 days in a calendar year and no workman was appointed against the post of Jagiro Devi after her termination. He submitted that workman even upto her affidavit did not disclosed the name of the workman appointed by the management except orally making averment that other workmen were appointed. The workmen who were appointed, were the men of contractor and entire job of cleaning and other civil work was given to the contractor. Workman has worked only for 202 days from 3-10-92 to 3-6-93 and she has not completed

240 days and as per payment vouchers which is also the attendance record Ex. M2 to M14. He submitted that there is no case of the workman as she has not worked and completed 240 days nor any other person was appointed after her termination and there is no violation of any provision of Section 25 of the I.D. Act. Management has proved that she has worked only 202 days and as proved by the payment vouchers and workman was appointed on need basis on daily wages and as per appointment of the workman she was paid only for the days she worked and when the work was entrusted to some other agency on contract basis, workman is not entitled to any relief.

7. I have heard the Learned Counsel for the workman Sh. Hardyal Singh and Sh. Jagdish Manchanda. The main dispute between the parties is that whether workman has completed 240 days or that some other employee was appointed by the management after termination of the services of the workman. Management has denied that management has appointed any other workman as Sweeper after her termination. Workman has not completed 240 days and management has produced the record of payment and attendance which is Ex. M2 to M.14 and according to which the workman has worked only for 202 days including holidays. As regard contention of the management that cleanliness work and other extra work has been taken on contract by the contractor and workman has not agitated against this averment of the management, it also show and proved that management has not appointed any other workman after termination of Jagiro Devi. None of the party has referred to any law or judgment, From the evidence of the parties, I have found that workman has admitted in her evidence that she was paid only for those days on which she worked and that she was appointed on daily wage basis and no appointment letter was given to her. As regard payment vouchers filed by the management M2 to M14, it is proved that she has not worked for 240 days. As I have held above that workman has not completed 240 days and no person was appointed after her termination as she has not given any name of the person appointed by the management upto the affidavit stage, I am of the considered view that amangement has proved that they did not engage any other person on the post of Jagiro Devi after her termination. As held above that management has proved that workman has not worked for 240 days in a calendar year as proved through record, I am of the considered view that engagement of the workman was on daily wages and only on need basis. In the circumstances I hold that management has proved workman has not completed 240 days and that after termination no other person was appointed and the action of the management of Airport Authority of India represented through Aerodrome Officer, Kangra, Airport Authority of India, Distt. Kangra, H.P. in terminating the service of Smt. Jagiro Devi W/o Kashmiri Lal a daily rated Sweeper w.e.f. 3-6-93 is legal and just. Therefore, the workman is not entitled to any relief. The

reference is answered accordingly against the workman. Central Govt. be informed. File be consigned to record.

Chandigarh.

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 27 फरवरी, 2006

का.आ. 1143.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार वेस्टर्न रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 74/2000)/को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-2006 को प्राप्त हुआ था।

[सं. एल-41012/60/89-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th February, 2006

S.O. 1143.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (74/2000) of the Central Government Industrial Tribunal /Labour Court, Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway and their workman, which was received by the Central Government on 27-02-2006

[No. L-41012/60/89-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, JAIPUR

Case No. CGIT 74/2000

Reference No. L-41012/60/89-IR (DU)

Divisional Secretary,

Paschim Railway Karmachari Parishad

Kota,

.....Applicant Union

V/s

The Divisional Railway Manager,

Western Railway,

Kota

.....Non Applicant

ATTENDANCE

For the Applicant Union : Shri A.D. Grover,
Representative

For the Non -Applicant : Shri Shyam Gupta,
advocate
Date of Award : 26-9-2001

AWARD

The following dispute was referred by the Central Government to the Central Government Industrial Tribunal-cum-Labour Court, New Delhi for adjudication vide order mentioned above under clause (d) sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (herein after referred as the Act, 1947).

SCHEDULE

“Whether the action of the D.R.M. Western Railway, Kota is justified in not engaging Shri Gafoor S/o Allahanoor, Gangman under PWI (N), Gangapur City in CEY-2 category? If not, what relief the workman is entitled to?”

Later on the proceeding in the above case were withdrawn -vide order No.L-41012/60/89-IRBI dt. 28-8-2000 and transferred to this Tribunal for adjudication.

The applicant filed the statement of claim stating that he was engaged as casual khallasi on and from 6-5-80 under Inspector of Works, Gangapur City and thereafter transferred to PWI, (N) Gangapur City and put to work as Gangman from 21-8-82. He worked there from 21-8-82 to 10-11-83. On 11-11-83 when he reported for duty he was not taken on duty. He was granted temporary status w.e.f. 7-4-83 vide letter of AE Gangapur City dt. 31-10-83. He was sent for medical examination for B-1 category but was declared fit for C-2 category vide Divisional Medical Officer's letter dt. 21/27-3-84. He had already completed more than 240 days service during the year preceding to the date of illegal retrenchment i.e. 11-11-83. He was retrenched without compliance of Section 25 F or the Act, 1947. Not only this but junior to him were retained in service in violation of Section 25-G & H of the Act, 1947 and rules 76 and 77 of the Industrial Disputes (Central) Rules, 1957 (hereinafter referred as the Rules, 1957). It was further stated that he was not taken on duty as per instruction of General Manager dt. 12-4-85. However it was made clear in the letter that “due to ban on recruitment of new faces it has been decided that such casual labour who were not covered in para one may be engaged as casual labour in the category in which they are medically fit in preference to new face if no old face is available.” It was prayed that direction may be issued to the non-applicant to reinstate him in service and absorb him in C-2 category.

In reply to the claim it was stated that the applicant was engaged as casual labourer on 21-8-82 by PWI (N), Gangapur City and was not absorbed on transfer. It was denied that the applicant worked as Gangman from 21-8-83 to 10-11-83. He worked only as casual labour on daily wages. It was admitted that the applicant was granted temporary status from 7-4-83. He was sent for medical examination for

B-1 category on 11-11-83 but did not turn up with medical certificate thereafter. Long after words he appeared with the medical certificate dt. 21/27-3-84 issued by DMO Kota declaring him fit in category C-2. Since there was no post in C-2 category available he couldn't be given appointment. It was denied that applicant was retrenched from 11-11-83. It was also denied that the non-applicant had violated provisions of Section 25F, G and H of the Act, 1947 and Rule, 76 & 77 of the Rules, 1957.

On behalf of the non-applicant affidavits of Shri Arjun Dev, Shri Sanjay Gupta and Shri Pranab Kumar were filed. However, Arjun Dev and Sanjay Gupta could not be cross-examined on account of non production of record. Their affidavits, therefore, cannot be considered. On the affidavit of Shri Pranab Kumar opportunity to cross-examine was given to the learned representative of the applicant. On behalf of the applicant affidavit of the applicant was filed. The learned counsel for the non-applicant was given opportunity to cross-examine him on his affidavit. Copies of certain documents and record of the service of the applicant marked W-1 was also filed.

It has been admitted by Shri Pranab Kumar on behalf of non-applicant that the applicant had worked from 21-8-82 to 10-11-83 as casual labour. He has stated that there is no record to show that the applicant had worked from 6-5-80. He has stated that service card marked W-1 is not page-wise and, therefore, doesn't appear to be correct. The service card shows that the applicant worked from 6-5-80 to 20-10-80 and left service from 21-10-80. It further shows that he had worked from 21-1-81 to 20-10-81 for a period of 222 days and left service from 21-10-81. Simply because the entries are not as per the serial number of the page of the card the same cannot be said to be fictitious. The non-applicant could produce the record or examine officials by whom the entries were made in order to prove that entries are not correct. The non-applicant has failed to do so. In these circumstances it cannot be inferred that the entries in the card W-1 are not correct. It is thus proved that the applicant has worked from 6-5-80 to 20-10-80 for 146 days, from 21-1-81 to 20-10-81 for a period of 220 days and from 21-8-82 to 10-11-83 for a period of 428 days. The service card further shows that the service of the applicant was discontinued due to being unfit in B-1 category. It has been stated by Shri Pranab Kumar that medical certificate for B-1 category was not produced by the applicant. Certificate of fitness could be given to the applicant only when he could have been found fit as per Rule 540 (5) of the Indian Railway Medical Manual. As the applicant was not found fit for the B-1 category he cannot be blamed for non-production of B-1 category, certificate.

It is admitted that the applicant was found fit for C-2 category. As per the order of reference it has to be examined as to whether not engaging the applicant in C-2 category by the non-applicant is justified. The learned counsel for

the non-applicant has contended that for the alternative job in the event of failure of medical examination, 6 years aggregate service of casual labour was required as per the circular of the Railway Board letter dt. 1-8-73. It is not disputed that the applicant had not put in 6 years aggregate or continued service under the non-applicant. However for absorption of medically de-categorized staff, circular dt. 12-4-85 was issued by the General Manager, Western Railway which is reproduced as under :—

Western Railway

Headquarter Office,
Churchgate, Bombay-20
Dt. 12th April, 1985

No. E/E/615/5

DRM (E) BCT, BRC, RTM, KIT, JP, AII, RJT, BVP.

CE(S&C) CCG, CE © ADI.

Sub : Absorption of medically de-categorized staff.

"In terms of Bd's letter No. E (XNG)II/71/CL/8 dt. 10-5-73, the concession of relaxed medial standard is permissible to only such casual labourers who have put in a minimum service of 6 years continuous or in broken spell.

However due to ban on recruitment of new faces; it has been decided that such casual labourers who are not covered by orders in para 1 may be engaged as casual labour in the category in which he is medically fit in preference to a new face if no old face etc. is available.

S/D

For General Manager (E)

Shri Pranab Kumar witness of the non-applicant has stated that there was no vacancy in C-2 category on 11-11-83. He has stated his ignorance as to when the vacancy occurred. He has also stated that no correspondence was done for absorbing the applicant in other units. Seniority is maintained according to the Unit. No rule or regulations nor any circular has been produced in order to show that the applicant couldn't have been absorbed in other units. The learned counsel for the non-applicant has also contended that the applicant had himself left the job. This contention cannot be accepted in face of the entry in the service card W-1 in which it has been stated that the service of the applicant was discontinued due to being unfit for B-1 category. The action of the non-applicant therefore, in not engaging the applicant in C-2 category cannot be said to be justified. The non-applicant therefore, is directed to absorb the applicant as casual labour.

Copies of the award may be sent to Central Government under Section 17(1) of the Act, 1947, for publication.

R.C. SHARMA, Presiding Officer

नई दिल्ली, 27 फरवरी, 2006

का.आ. 1144—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 69/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-2006 को प्राप्त हुआ था।

[सं. एल-41012/68/90-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 27th February, 2006

S.O. 1144.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (69/2000) of the Central Government Industrial Tribunal /Labour Court, Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway and their workman, which was received by the Central Government on 27-02-2006

[No. L-41012/68/90-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, JAIPUR

Case No. CGIT 69/2000

Reference No. L-41012/68/90-IR (DU) dt. 8-5-91

Divisional Secretary,

Paschim Railway Karmachari Parishad,

Kota,

.....Applicant Union

V/s

The Divisional Railway Manager,

Western Railway,

Kota

.....Non-Applicant

ATTENDANCE

For the Applicant Union : Shri A. D. Grover,
Representative

For the Non-Applicant : Shri Shyam Gupta,
Advocate

Date of Award : 26-9-2001

AWARD

The following dispute was referred by the Central Government to the Central Government Industrial Tribunal-

cum-Labour Court, New Delhi for adjudication vide order mentioned above under clause (d) Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred as the Act, 1947).

SCHEDULE

“Whether the action of the Divisional Railway Manager (E) Western Railway, Kota in denying promotion to Shri Naubat Ram, Hd. Clerk, DRM Office, Kota as Chief Clerk w.e.f. 1-1-84 is justified? If not, what relief the concerned workman is entitled to and from what date”

Later on the proceedings in the above case were withdrawn vide order No.L-41012/60/89-IRBI dt. 28-8-2000 and transferred to this Tribunal for adjudication.

The applicant filed the statement of claim stating that he was working as Head Clerk in the office of the non-applicant for more than last ten years. His name appeared at serial No. 15 in the Seniority list of Head Clerk. He had qualified written test for promotion for the post of Chief Clerk 3 times and as per his turn for seniority he should have been promoted for the post of Chief Clerk but due to malafide intention of non-applicant he was overlooked and persons junior to him were promoted. It was learnt that some adverse remarks were recorded in his service record. The adverse entry in the C.R. for the year ending on 31-3-84 was communicated to him on 13-12-84 allowing one month's time for making representation against the same. He submitted his representation on 20-12-84 but the panel of Chief Clerk was declared on 19-12-84. It shows the malafide intention of the non-applicant to debar him for promotion. Moreover, the confidential report for the last 3 years that is upto 31-3-83 were to be considered for promotion and during this period he was not communicated any adverse entry in the C.R. As a result of persuasion in conciliation he was promoted as Chief Clerk vide order dt. 25-3-87 on a trial basis but due to malafide intention he was reverted to the post of Head Clerk vide order dt. 29-8-88 on the ground that he did not pass written test for the post of Chief Clerk held on 9-4-88 & 16-4-88, whereas he had cleared the written test for the post three times. He should have also been promoted under the up gradation scheme w.e.f. 1-1-84 without being subjected to any written test. It was prayed that the non-applicant may be directed to promote him as Chief Clerk w.e.f. 1-1-84 with all consequential benefits.

The non-applicant in reply to the claim took the preliminary objection that the applicant has already filed a petition for promotion/selection before the CAT, Jodhpur bearing T.A. No. 2260/86 which is pending for adjudication. He has also filed another petition No. 323/89 against the order of his reversion dt. 29-8-88 which is also pending. In reply to the parawise claim it was admitted that the applicant had been working as Head Clerk for past 10 years and his name appeared at serial number 15 in the seniority list. It

was stated that the applicant had passed the written test but failed to secure the qualifying marks in the viva-voce test. Even after giving due relaxation for SC candidates, he was not found eligible for promotion to the post of Chief Clerk. It was admitted that adverse entries in the CR were not communicated to the applicant. It was denied that the applicant was promoted due to persuasion in conciliation proceedings. It was stated that the applicant was promoted to officiate as Chief Clerk on trial and purely on ad-hoc basis. It was asserted that the applicant is not entitled to be promoted as Chief Clerk w.e.f. 1-1-84.

The applicant filed rejoinder to the reply stating that the OA's filed in CAT are altogether different. TA No. 2260/86 pertains to the relief sought against by passing senior person and promoting juniors, while the other petition bearing No. 323/89 is for seeking remedies against reversion while the present dispute relates to non-promotion w.e.f. 1-1-84 as a result of up-gradation according to modified selection procedure.

In support of the claim the applicant filed his own affidavit along with copy of document marked Annexure-1 to 12. The learned counsel for the non-applicant was given opportunity to cross-examine him on his affidavit. On behalf of the non-applicant affidavit of Shri Anant Kumar Tandani, Chief Officer Supdt. was filed along with copy of documents marked M-1 to M-7. The learned representative of the applicant was given opportunity to cross-examine him on his affidavit.

As per the order of reference and as per the contention of the learned representative of the applicant it is to be considered as to whether the action of the non-applicant in not promoting the applicant as Chief Clerk w.e.f. 1-1-84 under the modified scheme for promotion is justified?

The learned representative of the applicant has contended that as per modified scheme for promotion on re-structuring of various cadres as per letter of General Manager dt. 11-3-85 ACR's for 3 years immediately preceding 1-1-84 i.e. 31-3-83 should have been taken into account. It has been admitted by Shri Anant Kumar the witness for the non-applicant, that CR for the years 1980-81 was favourable. The minutes of the DPC Annexure M-1 also shows that CR for the year 1981-82 was also favourable to the applicant. The CR for the year 1982-83 which is said to be adverse was communicated to the applicant vide letter dt. 10-10-85 while the applicant was found eligible for promotion by the DPC on 18-12-84. His contention is that the CR for the year 1982-83 which was average cannot be said to be adverse and even if it is so considered having not been communicated to the applicant within time and before his consideration for promotion by DPC the same could not have been acted upon. In support of his contention he has referred to Railway Establishment

Rules. On the other hand the learned counsel for the non-applicant has supported the action of non-applicant.

It is not in dispute that under the up-gradation scheme for promotion to the post of Chief Clerk only the record was to be considered and written test or viva voce was not required. The minutes of DPC dt. 18-12-84 Ex. M-1 shows that CRs for the last three years i.e. 1981-82, 1982-83 and 1983-84 were considered. The letter of GM Annexure is dt. 11-3-85 in which it was clarified that CRs for last 3 years and the last for the year 31-3-83 were to be considered for promotion against up-gradation post. Prior to this letter the DPC for promotion had already been held. There is nothing on record to suggest that after the above letter DPC was again held and the promotions were reviewed. It has also not been disputed that representation of the applicant against CR for the year 1983 was rejected by non-applicant after the order of the DPC. The contention of the learned representative of the applicant that CR for the year 1982-83 cannot be said to be adverse being average cannot be accepted. The reviewing authority in the CR for the year ending 31-3-83 has remarked that he is not fit for promotion. The learned representative of the applicant has drawn attention to the circular of the Railway Board dt. 5-3-85 in which it has been mentioned that column relating to the "fitment for promotion" may be deleted from C.R. Form for Group "C" staff. The said circular being dt. 5-3-85 is not relevant for the CR dt. 31-3-1983. The learned representative of the applicant has also brought the circular dt. 8-10-93 in which it has been mentioned that the grading of average in CR is not to be treated as adverse. Firstly the circular being dt. 8-10-93 was issued in the year 1993 which the DPC was held in 1984. Secondly there is specific adverse remark in the CR of the applicant for the year ending 31-3-83 that he is not yet fit for promotion. As regards non-communication of adverse CR for the year 31-3-83 before the DPC was held in the year 1984 it may be stated that a representation filed against the CR by the non-applicant was considered and rejected. The adverse remark in CR, therefore, having not been expunged is on the record. No. useful purpose is likely to be served even if the applicants case for promotion is directed to be reconsidered. It may also be stated that the applicant has not been singled out by the DPC for considering the CRs for the year ending 31-3-84. The applicant, therefore, cannot be said to have been prejudiced on account of non-communication of adverse CR for the year 31-3-83 even if the CR ending on 31-3-84 which is also adverse is ignored.

On the basis of the above discussion the action of the non-applicant in denying promotion to the applicant to the post of Chief Clerk w.e.f. 1-1-84 cannot be said to be unjustified and the applicant is not entitled to any relief.

Copies of the award may be sent to the Central Government under Section 17(1) of the Act, 1947, for publication.

R.C. SHARMA, Presiding Officer

नई दिल्ली, 28 फरवरी, 2006

का.अ. 1145.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय बंगलोर के पंचाट संदर्भ संख्या 101/98, को प्रकाशित करती है, जो केन्द्रीय सरकार को 28.02.06 को प्राप्त हुआ था।

[सं. एल-12012/66/98-आई आर (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 28th February, 2006

S.O. 1145.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 101/98) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the management of Syndicate Bank, and their workmen, received by the Central Government on 28-02-2006

[No.-L-12012/66/1998-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT,
BANGALORE**

Dated : 4th February 2006

PRESENT

Shri A.R. SIDDIQUI, Presiding Officer

C.R. No. 101/98

I Party

Shri S.M. Parade,
C/o Shri N.M. Kapatkar Davalgi
(PO), Muddebihal
(Tq), Bijapur

II Party

The Zonal Manager,
Syndicate Bank,
Zonal Office,
Gandhinagar,
Bangalore

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order. No. L-12012/66/98/IR (B-II) dated 4-12-1998 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management Syndicate Bank in dismissing the services of Shri S.N. Parande, Clerk, w.e.f. 24-3-97 is legal and justified? If not, to what relief the said workman is entitled?"

2. A charge sheet dated 14-2-1995 was issued to the first party as follows :—

Charge Sheet

"It is alleged against you that :—

You have been working as Clerk at our Huvinshippargi branch since 9-7-91 and while working in your position as such, you were entrusted with Temporary Special Assistant duties from 27-8-1994 to 1-9-1994 and from 5-9-1994 to 8-9-1994. During this period certain unauthorized/falsified/ fictitious transactions were effected by you. The details of which are as follows :

(1) That on 27-8-1994, you have withdrawn from your SB account No. 7979, an amount of Rs. 1500 by withdrawal slip No. 282778 against a fictitious credit entry of Rs. 1500/- dated 24-8-1994 made by you. The balance in your SB account No. 7979 as on 22-8-94 was Rs. 52 and without the fictitious entry of Rs. 1500 dated 24-8-1994, the above referred withdrawal on 27-8-1994 could not have been effected. The said withdrawal slip amount was debited to the account and the same was passed by you. By your above acts, it is apparent that you falsified the records and made fictitious entry to derive monetary benefit at the cost of the bank.

(2) On 29-8-1994, a debit slip of Rs. 1271.25 pertaining to the deduction towards loan availed by you from M/s. Syndicate Bank Thrift and Credit Society Ltd, Madras was sent to SB department of which you were the incharge on that day. The slip was sent to the Department for debiting to your SB Account. No. 7786. You have initialed in the space 'entered', 'checked by' on the debit slip and also entered the SB ledger folio No. 451 pertaining to SB Account No. 7786 on the same, to make believe that the debit to SB Account No. 7786 has been effected. This amount was taken in the SB sub day of the day so as to tally the day book. By your above acts the bank is exposed to financial loss of Rs. 1271.25 because the relevant credit has been passed on to M/s. Syndicate Bank Thrift & Credit Society Ltd, Madras without any contra debit to your account. Thus, you have falsified the records of the Bank to gain undue pecuniary advantage.

(3) On 7-9-94, while you were entrusted with Temporary Special Assistant duties, you prepared a debit slip of Rs. 391.25 towards the Suspense account even though there was no corresponding credit entry outstanding in the suspense account. The proceeds of such debit was credited to your SB Account No. 7786 by virtue of a credit slip prepared and signed by

you. By your above acts, you derived monetary benefit at the cost of the bank out of the fictitious slip.

(4) A sum of Rs.325/- being the amount of Telephone charges recovered from you was outstanding in the Suspense Account No.110/93 as on 29-8-94. On 30-8-1994, you without any authority, fraudulently transferred the amount so outstanding to your SB Account No.7786 by preparing the credit and debit slip and by authorizing the said transaction.

(5) A sum of Rs.1270/- being the amount of 6 days salary recovered for the period from 25-4-94 to 30-4-94 was outstanding in the suspense account No.34/94 as on 29-8-1994. On 30-8-1994, you without any authority, fraudulently transferred the amount so outstanding to your SB account No. 7786 by preparing the debit and credit slip and by authorizing the said transaction. The above acts on your part amounts to 'Gross misconduct' within the meaning of Clause No.19.5 of the Bipartite Settlement. We, therefore, charge you with the commission of 'Gross misconduct of' doing acts prejudicial to the interest of the bank' vide clause 19.12(b) of the Bipartite Settlement. During the period of suspension, you will be paid subsistence allowance at the following scales, as per Clause 557 of the Sastry Award/Bipartite Settlement —

(i) For the first three months, one third of the pay and allowances which you would have got, but for the suspension;

(ii) Thereafter, one half of the pay and allowances;

(iii) After one year, full pay and allowances if the enquiry is not delayed for reasons attributable to your or any of your representatives.

You are required to furnish us your postal address forthwith for the purpose of future communication with you. You should not enter the branch premises during the period of your suspension except for the purpose of operating your own account. Further, for the purpose, you should obtain specific permission of the Branch Manager by sending him a note with the Attender at the branch. Such banking operations will be allowed only in the Manager's cabin. If it is found that you are misusing the above facility in any way, your account is liable to be closed and the balance sent to you by a pay order.

Besides you are required to submit your explanation, if any, within 15 days of receipt of this charge sheet cum suspension order."

3. The explanation offered by the first party not being found satisfactory, the management held DE and adduced

oral and documentary evidence in the course of enquiry. The first party participated in the enquiry proceedings with the assistance of DR and on the conclusion of the enquiry, enquiry officer submitted his findings holding the first party guilty of the aforesaid charges of misconduct. The first party was furnished with the findings of the enquiry and submitted his comments. The Disciplinary authority after having gone through the findings and not being convinced by the comments made by the first party over the findings, proposed the punishment of dismissal giving an opportunity of personal hearing to the first party and thereupon passed the impugned dismissal order. The first party preferred an appeal against the dismissal order and his appeal came to be dismissed by the Appellate Authority. Then he raised the dispute resulting into the present reference.

4. By way of his Claim Statement the first party while challenging dismissal order also challenged the enquiry proceedings as well as the enquiry findings. The management filed its counter statement and based on the respective contentions of the parties with regard to the validity and the legality or otherwise of the enquiry proceedings questioned whether the enquiry hold against the first party is fair and proper was taken up as a preliminary issue. During the course of trial of the said issue, the management examined the enquiry officer as MW1 and got marked the documents at Ex. M1 to M8 including the enquiry proceedings and findings of the enquiry. First party examined himself as WW1 and got marked documents at Ex.W1 to W15.

5. After hearing the learned counsels for the respective parties, this tribunal by its order dated 12-4-2005 recorded a finding over the above said issue holding that enquiry conducted by the second party against the first party is not fair and proper. Thereupon, in order to prove the charges of misconduct against the first party. MW2 said to have been working as Manager, Attibele Branch during the year 1994 was examined and documents at Ex.9 to 48 were marked.

6. Coming to the First Charge, documents at Ex.M12 to M19 were marked in the deposition of MW2. His statement is that Ex.M12 is the original ledger sheet of the first party and the relevant entries at Ex. M12(a). Ex.M13 is the Officers Scroll routine Cash Sheet with relevant entry at Ex.M13(a). Ex.M14 is the SB Sub-day sheet with relevant entry at Ex.M14(a).Ex.M15 is the cashier Scroll dated 24-8-1994 to show that there is no entry showing the deposit of Rs. 1500 as shown on 24.8.1994. Ex.M16 is the SB balancing Extract dated 24-8-1994 to show that on the said date there was a balance of Rs.52 only was in the SB Account of the first party. The relevant entry is at Ex.M16(a). Ex.M17 is the sub day extract dated 24-8-1994 to show that the above

said entry of Rs. 1500 is not reflecting therein. Ex. M18 is the withdrawal slip by which the first party himself passed and withdrew the amount putting his signature on its reverse at Ex. M18(a). Ex. M19 is the Officers Scroll to show that above said entry of Rs. 1500 is not found therein. On this point in his cross examination it was elicited that Ex. M18 is initialed by the cashier who paid the amount and Ex. M13 is written under the handwriting of the first party. Learned first party representative, Shri MRR in his written arguments vehemently submitted that aforesaid documents to prove charge No. 1 are not sufficient and satisfactory to suggest that the first party on 27-8-1994 has withdrawn from his SB account an amount of Rs. 1500 by withdrawal slip against the fictitious credit entry of Rs. 1500 dated 24-8-1994 made by him. He submitted that the necessary relevant documents are not produced before this tribunal to show that as on 22-8-1994 there was a balance of Rs. 52 only in the SB account of the first party and that by his fictitious entry of Rs. 1500 on 24-8-1994 he had withdrawn the said amount by way of withdrawal slip. By going through the documents referred to supra in the statement of MW2, it cannot be said that those documents are not sufficient to establish the fact that as on 22-8-1994 or before 24-8-94 there was a sum of Rs. 52 in the SB account of the first party and that as on the date a credit entry of Rs. 1500 was shown in the handwriting of the first party himself and that amount was withdrawn by him on 27-8-1994. The fact that he had withdrawn a sum of Rs. 1500 by way of withdrawal slip on 27-8-1994 has not been disputed by the first party anywhere much less in the cross examination of MW2. As noted above, Ex. M12 is the original ledger sheet and the relevant entries at Ex. M12(a). The officers scroll routine cash sheet at Ex. M14 with relevant entry at Ex. M13(a) and the SB sub-day sheet at Ex. M14 with relevant entry at Ex. M14(a) would lend support to the case of the management to speak to the fact that there was no actual credit of Rs. 1500 by the first party to his SB account as on 24-8-1994. The first party admittedly was heading the department of SB accounts as on 27-8-1994 and under his own handwriting passed the credit entry as well as the debit entry and by issuing a withdrawal slip got the payment of Rs. 1500/- as if that amount was credited and deposited by him in his SB account as on 24-8-1994. Sub-day extract dated 24-8-1994 marked at Ex. M17 would make it further clear that above said credit entry of Rs. 1500/- was not reflecting in the said document. A perusal of Ex. M18 would disclose that the first party himself prepared the withdrawal slip passed the same and withdrew the amount by putting his signature on its reverse at Ex. M18(a). Ex. M19 is the officers scroll to show that said entry of Rs. 1500 is not found therein. Therefore, it has been established by the management in the above said statement of MW1 and the aforesaid documents that first

party created a false credit entry of Rs. 1500 against his SB Account as on 24-8-1994 and withdrew the said amount with the help of withdrawal slip as on 27-8-1994.

7. With regard to the Second Charge, MW2 in his examination chief stated that Ex. M20 is another SB account extract ledger sheet No. 7786 of the first party and Ex. M21 is the demand notice issued by the Syndicate Bank Employees Co-operative Thrift and Credit Society Limited. He stated that on the basis of the said demand notice, a debit slip voucher at Ex. M22 was prepared by the clerk and was given to the first party to make deduction according in his SB Account but he did not debit the amount but made it to appear as if he deducted the said amount by just making an entry 'checked' and 'entered' and by putting his initial on the above said slip. He also had given folio No. as 451, fictitiously. MW2 further stated that on that basis they passed the DD showing loan deduction of Rs. 1271.25 towards the loan amount of the first party. He then referred to the credit voucher at Ex. M23 and the covering letter at Ex. M24 under which a DD was sent. He further stated that Ex. M25 is the sub day sheet dated 29-8-1994 and the relevant entry at Ex. M25 (a). On this point MW2 was cross examined and it was elicited from his mouth that he (MW2) has put his signature on Ex. M22 on going through the contents. Ex. M23 also has his signature and that he signed Ex. M23 & M24 after having gone through the contents.

8. Learned First Party Representative taking the help of the above said statement of MW2 contended that when MW2 as a Manager himself has signed Ex. M22, 23 and 24 having gone through the contents then first party cannot be blamed for preparation of Ex. M22. The question to be considered is not as to whether MW2 was aware of the contents of the relevant documents with regard to the debit slip voucher and the credit voucher but the point is whether the first party having prepared the said debit slip in fact debited a sum of Rs. 1271.25 to his SB Account or not. It is not the case of the first party nor any question was put to MW2 in his cross examination that the first party in fact has debited the above said amount in his SB Account so as to pass DD showing loan deduction of the said amount due from the first party. As stated by MW2 he did not deduct or debit the said amount to his SB account but made it to appear as if he has done it just making the entry 'checked and entered' and putting his initial on the said slip by giving fictitious folio No. 451. Based on the above said entry the bank passed the DD showing a loan deduction of Rs. 1271.25 towards the loan amount of the first party and the credit voucher was prepared accordingly at Ex. M23. Therefore, only because MW2 signed Ex. E22, 23 and 24, going through the contents, it cannot be said that there was actually the debit of the above said amount in the SB

Account of the first party which debit entry was supposed to be made by the first party himself being the head of the SB Account Department at the relevant point of time. Therefore, it is to be held that the above said charge also has been proved by the management.

9. The next charge namely 3rd Charge against the first party is that on 7-9-1994 when he was entrusted with temporary special assistant duties, he prepared debit slip of Rs. 391.25 towards the Suspense Account even though there was no corresponding credit entry outstanding in the suspense accounts and he got the said amount credited to his SB Account No. 7786 by virtue of a credit slip prepared and signed by himself. Speaking to this fact MW2 in his examination chief stated that there was no credit entry of Rs. 391.25 in the suspense account but the first party debited the above said amount by himself without corresponding credit entry and the same was debited to his SB Account. He then referred to Ex.M32, the Suspense Balancing Extract dated 6-9-1994 to show that there was no credit entry of Rs. 391.25 in Suspense Account. He referred to Ex. M33, the Suspense Account General ledger Extract with relevant entry at Ex. M33(a) to speak to the fact that there was no credit of Rs. 391.25 in the Suspense Account as on the date. He then stated that Ex. M34 is the Suspense Account General Ledger Extract wherein the first party has made false entry of Rs. 391.25 to the place Nil at Ex. M34(a). In his cross examination on the said point it was elicited that as per Ex. M20 (b) an amount of Rs. 391.25 was debited in the SB Account of the first party and mentioned as credited to Suspense Account. A suggestion was made to MW2 as to for what reason the above said amount was kept in the Suspense Account and it was further suggested it was kept in the Suspense Account for 6 months for no good reasons. Then it was elicited from his mouth as on 7-9-1994 the first party was the Special Assistance and he debited the said amount in his SB account from Suspense Account as a Special Assistant.

10. Learned Representative for the first party therefore, argued that the above said amount of Rs. 391.25 in fact was the amount belonging to the first party and was kept in Suspense Account for a period of 6 months without any reason. Therefore, the first party as a Special Assistant on the above said date has withdrawn the said amount of the Suspense Account and debited to his SB account and for doing so he was fully authorised and competent as a Special Assistant. The fact that first party was holding a temporary charge of Special Assistant from 27-8-1994 to 1-9-1994 and then from 5-9-1994 to 8-9-1994 is not denied by the management. What learned counsel for the management argued is that even if the above said amount was kept in suspense account in the name of the first party without any reason or without any authority, even then the first party was not supposed to handle the said amount

taking undue advantage of his temporary duty as a Special Assistant. I find force in his argument. Assuming for a moment that above said amount belonged to the first party and kept in suspense account for a period of about six months for no good reasons, the first party holding the temporary charge of Special Assistant could not have authority to debit the said amount from the Suspense Account to his SB account. of course, it has come in the evidence of MW2 that as a special assistant he had the powers to sanction credit, debit etc. amount not exceeding Rs. 20,000 without approaching the Manager for such debits and credits. However, MW2 in his cross examination stated that first party was not supposed to deal with the Suspense Accounts. he denied the suggestion that first party had the powers to deal with Suspense Account as well as his SB Account and therefore, he did not commit any misconduct. Therefore, the fact that the first party withdrew the amount from Suspense Account and credited to his SB Account remains to be undisputed by the first party but with a rider that he did with authority as a Special Assistant. I am not inclined to accept his assertion on the said point. He was holding the charge of Special Assistant on temporary basis for a limited period and certainly was not supposed to meddle with the suspense account much less the amount kept in his name in the suspense account by the management. Assuming for a moment that the management was not justified in keeping the said amount in the suspense Account for no good reasons, the first party was not supposed to rectify or legalise the said illegal entry in the Suspense Account as a Special Assistant, even further assuming that he had an authority to deal with suspense accounts as a Special Assistant. For the simple reason that the money belonged to him and was kept in suspense account. He could not have withdrawn the said amount without the permission of his higher authority. If there was any wrong committed by the higher authority in withholding his amount in suspense account, the only proper course available to him was to seek the recovery of the said amount through proper procedure and through proper channel.

11. Similar is the case with 4th Charge leveled against the first party. Here again undisputedly he had withdrawn a sum of Rs. 325 kept in his name in the suspense account towards the telephone charges recovered from him as on 29-8-1994. The arguments advanced for the first party was again to the effect that as a Special Assistant he had authority in getting the said amount transferred to his SB account as the amount belonged to him and was kept in the suspense account illegally. Of course as on 30-8-1994 when he withdrew the said amount of suspense account, first party was holding the charge of Special Assistant. But as noted above, he was not supposed to handle with the said amount without the permission of the proper

authority from the higher ups assuming for a moment again that it was illegally kept in the Suspense Account.

12. Learned representative in the cross examination of MW2 made an attempt to bring on record the fact that there was a separate register maintained for the telephones made by the bank staff and the details as to who made the telephone calls, the duration took place and the charges paid on their behalf. We are not concerned here about the details of the charges or details of the telephone calls made by the first party so as to recover from him a sum of Rs. 325/- towards the Telephone Charges. Once again for arguments sake, taking for granted that the first party was not liable to pay a sum of Rs. 325 towards telephone charges but the management illegally had kept the said amount in the suspense account debiting the same from his SB account. Question is whether the first party could have dealt with the said amount as a Special Assistant on a Temporary basis. In my opinion he had no authority to meddle with the said amount even if he had an authority to deal with the suspense account as a Special Assistant for the simple reason that the money belonged to him and he was not supposed to have rectified or corrected a mistake committed by the management taking upon himself without the permission and authority given to him by the higher ups.

13. Coming to the 5th charge once again the story is the same. A sum of Rs. 1270 being the amount of six days salary of the first party was outstanding in the Suspense account as on 29-8-1994. The first party undisputedly transferred the said amount to his SB account on 30-8-1994. MW2 in his examination chief has spoken to the said fact with the help of relevant documents. In his cross examination it was elicited that the sum of Rs. 1270 was debited in the SB account of the first party on 29-4-1994 and kept in Suspense account as per Ex.M45. Then the learned representative for the first party cross examined the witness with regard to the procedure of granting of the leave, its refusal, the time required for grant of refusal of the leave and whether in the case of the first party such a procedure was followed. In his argument learned representative submitted that the first party went on leave from 25-4-1994 to 30-4-1994 but even till today the fate of the said leave application is not known to the first party much less to MW2 himself. Therefore, learned representative submitted that the management was not legally justified in recovering the said amount of Rs. 1270/- by debiting it in the SB account of the first party on 29-4-1994 and then keeping it in Suspense Account indefinitely without any authority. Therefore, learned representative submitted that the first party as a special assistant did any wrong or committed no misconduct if he had debited the said amount in the Suspense Account and credited it to his SB account on 30-8-1994 when he was

holding the charge of Special Assistant. Once again I must disagree with this submission. It may be that proper procedure was not followed by the competent authority in refusing or granting leave to the first party as required under the rules. May be that the management was not justified in making recovery of the said amount by way of making a debit entry in his SB account and a credit entry in Suspense Account. The first part certainly was not legally justified to rectify any such mistake or illegality committed by the management of his own. He cannot as a Special Assistant holding the charge temporarily go on doing certain illegal acts in his own favour. As argued for the management the Suspense Account belonged to the management and without the authority of the management could not have been meddled with particularly with respect to the amount belonging to the first party himself. He cannot take the advantage of his authority as a Special Assistant and assuming the powers of the management under the guise of rectifying or correcting the mistakes or the illegalities alleged to have been committed by the management. Therefore, in the light of the oral testimony of MW2 and the documents referred to *supra* in his deposition and in the light of the very defence taken by the first party, the only irresistible conclusion to be drawn would be that charges of misconduct as levelled against the first party have been proved by convincing, sufficient and legal evidence. In fact the statement of MW2 and the documents produced before this tribunal have gone unchallenged and uncontroverted by way of rebuttal evidence by the first party. He did not adduce any evidence nor stepped himself into the witness box to counter the statement of MW2 or to challenge the genuineness and veracity of the documentary evidence produced by the management and spoken to by MW2 in his deposition in this tribunal.

14. Now the question would be what punishment the first party deserved for the misconduct committed by him with reference to the above said charges. In my opinion the charges proved against the first party are very serious in nature involving moral turpitude loosing the confidence reposed in him by the management. Therefore, he deserves the punishment of dismissal. Hence the following award.

AWARD

The first party stands dismissed from service.

No Order to cost.

(Dictated to PA transcribed by her corrected and signed by me on 4th February, 2006).

A.R. SIDDIQUI, Presiding Officer

नई दिल्ली, 1 मार्च, 2006

का.आ. 1146.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ बिकानेर एंड जयपुर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 90/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-02-2006 को प्राप्त हुआ था।

[सं. एल-12012/175/2004-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 1st March, 2006

S.O. 1146.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 90/2005) of the Central Government Industrial Tribunal/Labour Court, Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Bikaner and Jaipur and their workman, which was received by the Central Government on 28-02-2006.

[No. L-12012/175/2004-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, JAIPUR

Case No. CGIT-90/2005

Reference No. L-12012/175/2004-IR (B-1)

Sh. Arjun Das,
S/o Sh. Mathura Das,
Through Amir Chand Ranka,
Saat Nimadi ki Samne,
Jalore (Rajasthan)Applicant

Versus

The Branch Manager,
State Bank of Bikaner and Jaipur,
Branch Bhinmaal,
Distt. Jalore,
Jalore (Raj.)Non-applicant

PRESENT:

Presiding officer : Sh. R.C. Sharma
For the applicant : Sh. R.C. Jain.
For the non-applicant : None.
Date of Award : 15-2-2006

A W A R D

1. The Central Government in exercise of the powers conferred under Clause 'D' of sub-sections 1 & 2(A) to Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act') has referred this industrial dispute for adjudication to this Tribunal which runs as under:—

"Whether the action of the management of State Bank of Bikaner & Jaipur, Krishi Vikas Branch, Bhinmaal Distt. Jalore (Raj.) in terminating the services of Shri Arjun Das S/o Shri Mathuradas (Peon) w.e.f. 23-8-2002 is justified and legal? If not, what relief he is entitled to?"

2. The workman in his claim statement has pleaded that he was employed as a daily-wager by the Branch Manager of the non-applicant bank at Bhinmaal Branch on 8-2-1999, who continuously worked till 23-8-2002 and discharged all the functions of a 4th class employee, that on several occasions he worked as a messenger and he was also asked to look after the clerical job. He had further stated that all the concerned record is with the possession of the bank and the post of the 4th class is still lying vacant. He has further stated that in the year 1999 he performed the work for about 282 days, in the year 2000 he put in 307 working days, in the year 2001 he worked for 313 days and in the year 2002 till 23rd August he completed 180 days of work. But his service was terminated on 23-8-2002 in contravention of the provision contained under Section 25-F of the Act. He has urged that his termination order be declared as unjustified and illegal and he be reinstated in the service with its continuity and all consequential benefits.

3. The non-applicant despite the service of the registered notice did not put his appearance and accordingly on 13-9-2005 the ex parte proceedings were drawn against him.

4. In the evidence, the workman has placed his affidavit on the record and has also filed Ex. W-1 and Ex. W-2, the tables of the working days.

5. I have heard the Id. representative for the workman and have scanned the record.

6. The Id. representative for the workman placing his reliance on the workman's affidavit contends that the workman had submitted two charts of working days pertaining to the total period which shows that he had completed 240 days in the each of calendar year. According to his contention the workman has completed 240 days of work in the calendar year preceding to the date of his termination, whose service was terminated in violation of Section 25-F of the Act. The Id. representative has referred to 2005 (III) CLRSC 1028 in support of his submission.

7. I have considered the submissions advanced on behalf of the workman and have carefully perused the judicial pronouncement referred to before me.

8. The workman in his affidavit has reiterated the facts as narrated in the claim statement and has asserted that he had completed over 240 days in the calendar years preceding to the date of his termination. According to him, he put in 282 days in the year 1999, 307 days in the year 2000, 313 days in the year 2001 and 185 days in the year

2002. He has also pointed out the number of Sundays and gazetted holidays year-wise, which when included in the number of these working days, their number further increases.

9. In support of his submission, the workman has placed on record the chart Ex. W-1 exhibiting the number of working days during the period in question. Ex. W-2 is also the chart containing the number of working days between the period 24th August, 2001 to 23rd August, 2002 and it indicates that including the Sundays and gazetted holidays he had put in 344 days of continuous work during this calendar year preceding to the date of his termination. With the assistance of these two documents (charts), the Id. representative for the workman contends that the claimant had completed over 240 days in the calendar year preceding to his termination.

10. Ex facie, both these documents have been prepared on behalf of the workman and they do not bear any signature or seal of the non-applicant bank. They are neither the photostat copies of the bank record, nor they are any part of the bank record, which may suggest that the claimant had worked under the employment of the bank. There is nothing on the record to link both these documents with the bank record and their authenticity could not be established by the workman.

11. The Id. representative for the workman has placed his reliance on 2005 (III) CLRSC 1028. The facts of this case are that the Industrial Tribunal found on facts that the workman had continuously worked with the non-applicant establishment for more than 240 days prior to the date of his termination and that the then Assistant Executive Engineer had issued a certificate (Ex. W-1) to the effect that the workman had worked from 24-11-1988 to 20-6-1994 with the establishment. It was further found that the appellant was cross-examined on behalf of the management, but there was nothing to disbelieve the certificate Ex. W-1 which was found to be duly proved. It also contained the signature of the then Assistant Executive Engineer. On these facts the claim of the workman was accepted. The Hon'ble Apex Court on these circumstances has observed that "Now applying the above decision to the facts of the present case, we find that the workman herein had stepped in the witness box. He had called upon the management to produce the nominal muster rolls for the period commencing from 22-11-1998 to 20-6-1994. This period is the period borne out by the certificate (exhibit W1) issued by the former Asstt. Executive Engineer".

12. Obviously, the facts of the referred to case are wholly distinguishable from the present controversy wherein no document or its photostat copy could be placed on record which could reflect that it pertains to the non-applicant establishment and could further substantiate that the workman had performed his duties for more than 240 days in a calendar year preceding to his termination. By no

stretch of imagination the charts Ex. W-1 and Ex. W-2 can be presumed to be the cogent evidence in the light of the referred to decision. Hence, the Id. representative for the workman does not derive any assistance from the referred to decision.

13. Contrary to it, the Hon'ble Apex Court in 2002 SCC (L&S) 367 has observed that it is for the claimant to lead evidence to show that he had in fact worked for 240 days in the year preceding to his termination and filing of an affidavit is only his own statement in his favour which could not be regarded as sufficient evidence for any Court or Tribunal to come to the conclusion that a workman had, in fact, worked for 240 days in a year. In the light of this principle, since both the charts Ex. W-1 and Ex. W-2 are not authentic or genuine documents, which can be relied upon, there remains only the oral evidence of the workman, which is not sufficient to prove that he had completed 240 days in a calendar year preceding to his termination. Accordingly, the workman's submission with regard to the contravention of the provision under Section 25-F of the Act cannot be maintained and is repelled.

14. So far as the workman's testimony on the pleas in relation to the retention of junior persons to him while terminating his service and the subsequent recruitment of the fresh hands are concerned, neither they are incorporated in the claim statement, nor the names of such persons have been disclosed by the workman in his desposition, nay there is any evidence on the record to strengthen his pleas. The submissions on this point are, therefore, found to be meritless and are negated.

15. To conclude, the workman has failed to bring on record any sufficient evidence in support of his claim, which is liable to be rejected.

16. In the result, the reference is answered in the negative against the workman and it is held that the termination order dated 23-8-2002 passed against the workman is justified and legal. His claim is rejected. An award is passed in these terms accordingly.

17. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R.C. SHARMA, Presiding Officer

नई दिल्ली, 1 मार्च, 2006

का.आ. 1147—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंगरपुर बांसवारा क्षेत्रीय ग्रामीण बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 117/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-02-2006 को प्राप्त हुआ था।

[सं. एल-12012/49/2005-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 1st March, 2006

S.O. 1147—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 117/2005) of the Central Government Industrial Tribunal/Labour Court, Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Dungarpur Banswara Kshetriya Gramin Bank and their workman, which was received by the Central Government on 28-02-2006.

[No. L-12012/49/2005-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT-117/2005

Reference No. L-12012/49/2005-IR (B.1)

Sh. Naresh Joshi,
Sagwara, Distt. Dungarpur
Rajasthan.Applicant

Versus

The President,
Dungarpur Banswara Kshetriya
Gramin Bank,
Dungarpur (Raj.)Non-applicant

PRESENT:

Presiding officer: Sh. R.C. Sharma
For the applicant: None.
For the non-applicant: Sh. Rajendra Arora
Date of Award: 17-2-2006

A W A R D

1. The Central Government in exercise of the powers conferred under Clause D of sub-section 1 and 2(A) to Section 10 of the Industrial Disputes Act, 1947 (for short 'the Act') has referred the following industrial dispute for to this tribunal for adjudication, which runs as under:—

“Whether the action of the management of Dungarpur Banswara Kshetriya Gramin Bank, Dungarpur in terminating the services of Sh. Naresh Joshi, S/o Sh. Nathuram Joshi on 16-10-2002 is justified? If not, what relief the workman is entitled to?”

2. Pursuant to the receipt of the reference the registered notices were issued to both the parties and on behalf of the non-applicant bank its representative put his appearance before the Court. But the registered notice to the workman issued by this Court has been returned by the post office with an endorsement that the given address is incomplete. On careful perusal, it is found that the address written on the postal cover is similar to that of the address mentioned in the reference. Even the Central Government has issued the notices to both the parties with a direction to the claimant to file the statement of claim complete with relevant documents, list of reliance and witnesses with the Tribunal within 15 days of the receipt of its order of reference. But only the appearance on behalf of the non-

applicant has been put in before the Court, which shows that either the workman is not traceable or he is not willing to plead his claim. Therefore, the claim as referred in the order of reference is liable to be rejected.

3. Resultantly, the reference is answered in the negative against the workman and in favour of the non-applicant and it is held that the termination order dated 16-10-2002 is justified. An award is passed in these terms accordingly.

4. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R.C. SHARMA, Presiding Officer

नई दिल्ली, 1 मार्च, 2006

का.आ. 1148—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दी बैंक ऑफ राजस्थान लि० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 2/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-02-2006 को प्राप्त हुआ था।

[सं. एल-12012/211/2005-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 1st March, 2006

S.O. 1148—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 2/2006) of the Central Government Industrial Tribunal/Labour Court, Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of The Bank of Rajasthan Ltd. and their workman, which was received by the Central Government on 28-02-2006.

[No. L-12012/211/2005-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT-2/2006

Reference No. L-12012/211/2005-IR (B-I)

The Vice-President,
All Bank Safai Karamchari Sangh,
50/138, Rajat Path, Mansarovar,
JaipurApplicant

Versus

The Deputy General Manager,
The Bank of Rajasthan Ltd.,
Central Office,
Sardar Patel Marg,
C-Scheme, JaipurNon-applicant

PRESENT:

Presiding officer: Sh. R.C. Sharma
For the applicant: None.
For the non-applicant: GP Malu
Date of Award: 15-2-2006

A W A R D

1. The Central Government in exercise of the powers conferred under Clause D of sub-Section 1 and sub-section 2(A) to Section 10 of the Industrial Disputes Act, 1947 (for short, the 'Act') has referred the following industrial dispute to this Tribunal for adjudication, which runs as under:—

"Whether the action of the management of the Bank of Rajasthan Ltd., Jaipur through Dy. General Manager in terminating the services of workman Shri Rambabu Godiwal, PTS w.e.f. 2-7-2002 and also not giving the 1/3 wages of pay scale is legal and justified? If not, what relief the claimant is entitled to and from which date?"

2. Pursuant to the receipt of the reference, the notices were issued to both the contesting parties. On behalf of the bank officer in-charge put his appearance before the Court, but despite the service of the registered notice on the applicant union none appeared on its behalf on 13-2-2006. No reason could be assigned for the non appearance of the applicant union. It was the bounden duty of the applicant union to lead the evidence to establish the claim of the workman Rambabu Godiwal, but no evidence could be led and even none appeared on behalf of the applicant union to plead the case of the workman. Thus, the applicant union has failed to establish the claim espoused by it before the Court. The claim, therefore, deserves to be rejected.

3. Accordingly, the reference is answered in the negative against the applicant union and in favour of non-applicant bank and it is held that the termination order dated 2-7-2002 passed against the workman Rambabu Godiwal and also the order not giving him one-third wages of pay scale is legal and justified. An award is passed in these terms accordingly.

4. Let a copy of the award may be sent to the Central Government for publication under Section 17(1) of the Act.

R.C. SHARMA, Presiding Officer

नई दिल्ली, 1 मार्च, 2006

का.आ. 1149—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 201/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-02-2006 को प्राप्त हुआ था।

[सं. एल-12012/21/99-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 1st March, 2006

S.O. 1149—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 201/99) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 28-02-2006.

[No. L-12012/21/99-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR**

No. CGIT/LC/R/201/99

Presiding Officer: Shri C. M. Singh

The General Secretary,
SBI Workmen Union, V-20
"Vasundhara"

State Bank Colony,
Motia Talab, Jahangirabad,
Bhopal (MP)

Workman/Union

Versus

The General Manager (D&P),
State Bank of India, Local Head Office,
Hoshangabad Road,
Bhopal (MP)

The Dy. General Manager,
State Bank of India,
Zonal Office, Hamidia Road,
Bhopal (MP)

Management

A W A R D

Passed on this 15th day of February, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-12012/21/99/IR (B-I) dated 10-5-99 has referred the following dispute for adjudication by this tribunal :—

"Whether the action of the management of State Bank of India in terminating the services of Shri Mahesh Kumar Sunehariya, w.e.f. 14-6-97 is justified? If not, to what relief the workman is entitled for?"

2. After the reference order was received, it was duly registered on 14-6-99 and notices were issued to the parties to file their respective statements of claim. In spite of sufficient service of notice, the Union/workman failed to put in appearance and file his statement of claim. Therefore vide order dated 10-8-05, the reference proceeded ex parte against the workman. Opportunities were given to the management to file their written statement but the management also failed to put in appearance and file their Written Statement. Under the above circumstances this tribunal was left with no option but to close the reference for award.

3. The above circumstances clearly indicate that the Union/workman does not want to prosecute the reference and the management has no interest in contesting the reference. Under the circumstances, it shall be just and proper to pass no dispute award in the matter. Therefore no dispute award is passed without any order as to costs.

4. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 1 मार्च, 2006

का.आ. 1150—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 86/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-02-2006 को प्राप्त हुआ था।

[सं. एल-12011/64/95-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 1st March, 2006

S.O. 1150—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 86/97) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 28-02-2006.

[No. L-12011/64/95-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

No. CGIT/LC/R/86/97

Presiding Officer: Shri C. M. Singh

The General Secretary,
State Bank of India Workers Union,
Bhopal Circle, V-20,
Vasundhara State Bank Colony,
Jahangirabad, Bhopal Workmen/Union

Versus

The Chief General Manager,
State Bank of India,
Local Head office,
Hoshangabad Road,
Bhopal Management

AWARD

Passed on this 15th day of February 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-12011/64/95/IR (B-I) dated 11-3-97 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management in not taking over the Canteens of Tularam Chowk, Jabalpur and Bilaspur w.e.f. 1-4-94 is justified? If not, for what relief the workers engaged in the canteens after 31-3-94 are entitled to?”

2. After the reference order was received, it was duly registered on 28-3-97 and notices were issued to the parties to file their respective statements of claim. In spite of sufficient service of notice, the Union/workmen failed to put in appearance and file his statement of claim. Therefore vide order dated 10-8-05, the reference proceeded ex parte against the Union/workman and opportunities were given to the management to file their written statement but the management also failed to put in appearance and file their respective statement. Under the circumstances this tribunal was left with no option but to close the reference for award.

3. The above circumstances clearly indicate that the Union/workman do not want to prosecute the reference and the management has no interest in contesting the reference. Under the above circumstances, it shall be just and proper to pass no dispute award. Therefore no dispute award is passed without any order as to costs.

4. Copy of the award be sent to the Ministry as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 1 मार्च, 2006

का.आ. 1151—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 199/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-02-2006 को प्राप्त हुआ था।

[सं. एल-12012/13/99-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 1st March, 2006

S.O. 1151—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 199/99) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 28-02-2006.

[No. L-12012/13/99-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

No. CGIT/LC/R/199/99

Presiding Officer: SHRI C. M. SINGH

The General Secretary,
SBI Workers Union,
V-20, "Vasundhara"
State Bank Colony,
Motia Talab, Jahangirabad,
Bhopal (MP)

...Workman/Union

Versus

The General Manager (D&P),
SBI Workmen Union,
V-20, Vasundhara,
State Bank Colony,
Motia Talab, Jahangirabad,
Bhopal

...Management

AWARD

Passed on this 15th day of February, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-12011/13/99/IR (B-I) dated 7-5-99 has referred the following dispute for adjudication by this tribunal :—

"Whether the action of the management of State Bank of India in terminating the services of Shri Kaushalendra Singh Yadav w.e.f. 1-5-97 is justified? If not to what relief the workman is entitled?"

2. After the reference order was received, it was duly registered on 14-6-99 and notices were issued to the parties to file their respective statements of claim. In spite of sufficient service of notice, the Union/workman failed to put in appearance and file his statement of claim. Therefore vide order dated 10-8-05, the reference proceeded ex-parte against the workman/Union. Opportunities were awarded to the management to file their Written Statement but the management also failed to put in appearance and file Written Statement. Under the circumstances this tribunal was left with no option but to close the reference for award.

3. The above circumstances clearly indicate that the Union/workman is not interested in prosecuting the reference and the management is not at all interested in contesting the reference. Therefore, it shall be just and proper to pass no dispute award in the matter. Consequently no dispute award is passed without any order as to costs.

4. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 1 मार्च, 2006

का. आ. 1152.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंदौर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 2/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-2-2006 को प्राप्त हुआ था।

[सं. एल-12011/18/96-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 1st March, 2006

S.O. 1152.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 2/98) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of State Bank of Indore and their workmen, which was received by the Central Government on 28-2-2006.

[No. L-12011/18/96-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

No CGIT/LC/R/2/98

Presiding Officer: SHRI C. M. SINGH

The General Secretary,
All India State Bank of Indore,
Employees Congress,
Hardev Niwas, 9, Sanwer Road,
Ujjain (MP)

...Workman/Union

Versus

The Regional Manager-III,
State Bank of Indore, Zonal Office,
163, Kanchan Bagh, Indore (MP)

...Management

AWARD

Passed on this 15th day of February, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-12011/18/96-IR (B) dated 2-1-97 has referred the following dispute for adjudication by this tribunal :—

"Whether the action of the management of State Bank of Indore in imposing the penalty of withholding special allowance of Head Cashier w.e.f. 5-7-94 in

respect of Shri Satya Narayan Sharma is justified? If not, to what relief the workman is entitled for?"

2. After the reference order was received, it was duly registered on 19-1-98 and notices were issued to the parties to file their respective statements of claim.

3. During the pendency of reference proceedings, workman Shri Satya Narayan Sharma moved the application with the prayer that no dispute award be passed in the reference as now no dispute is left between the parties. The above application is duly signed by the representative of the Union/workman. Shri S.K. Rao, Sr. Advocate the Learned Counsel for the management submitted that he has no objection if the application of the union/workman for passing no dispute award is allowed.

4. The above circumstances clearly reveal that now there is no dispute left between the parties and therefore it shall be just and proper to pass no dispute award. In view of the above no dispute award is passed without any order as to costs.

5. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 1 मार्च, 2006

का. आ. 1153.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ़ इंदौर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 20/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-2-2006 को प्राप्त हुआ था।

[सं. एल-12012/121/97-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 1st March, 2006

S.O. 1153.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 20/98) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 28-2-2006.

[No. L-12012/121/97-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No CGIT/LC/R/20/98

Presiding Officer : SHRI C. M. SINGH

Shri Tulsiram Kushwaha

R/o. Village Siyarmao,

Tehsil Silwani,

Distt. Raisen (MP)

...Workman/Union

Versus

The Asstt. General Manager,

State Bank of India, Region-I,

Zonal Office, Hamidia Road,

Bhopal

...Management

AWARD

Passed on this 15th day of February, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-12012/121/97-IR (B-I) dated 3-2-98 has referred the following dispute for adjudication by this tribunal :—

"Whether the action of the management of State Bank of India in terminating the services of Shri Tulsiram Kushwaha is justified? If not, to what relief the workman is entitled for?"

2. After the reference order was received, it was duly registered on 10-2-98 and notices were issued to the parties to file their respective statements of claim. In spite of sufficient service of notice on workman, he failed to put in appearance and file his statement of Claim. Therefore vide order dated 10-8-2005, the reference proceeded ex-parte against the workman and the management was awarded opportunities to file their Written Statement but the management also failed to put in appearance and file their Written Statement. Under the above circumstances, this tribunal was left with no option but to close the reference for award.

3. The above circumstances clearly indicate that the workman does not want to prosecute the reference and the management is not at all interested in contesting the reference. Therefore, it shall be just and proper to pass no dispute award in this reference. Consequently no dispute award is passed without any order as to costs.

4. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 1 मार्च, 2006

का. आ. 1154.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार करूर वैश्य बैंक

लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 138/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-02-2006 को प्राप्त हुआ था।

[सं. एल-12012/192/2003-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 1st March, 2006

S.O. 1154.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 138/2003) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Karur Vysya Bank Ltd. and their workman, which was received by the Central Government on 28-02-2006.

[No. L-12012/192/03-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 7th December, 2005

PRESENT :

K. JAYARAMAN, Presiding Officer

Industrial Dispute No. 138/2003

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Karur Vysya Bank Ltd., Karur and their workman)

BETWEEN :

The General Secretary,
Karur Vysya Bank Employees
Union, Bangalore

I Party/Claimant

AND

The General Manager,
Karur Vysya Bank Ltd.
Karur

II Party/
Management

APPEARANCES:

For the Workman M/s. D. Hariparanthaman
Advocates

For the Management M/s. T. S. Gopalan & Co.
Advocates

AWARD

The Central Government, Ministry of Labour vide order No. L-12012/192/2003-IR (B-I) dated 12-09-2003 has referred the dispute to this Tribunal for adjudication. The Schedule mentioned dispute is as follows:—

“Whether the penalty of dismissal of Shri S. Ramamoorthy, Clerk of Karur, Central Branch by the management of Karur Vysya Bank, Karur is proportionate, legal and justified? If not, what relief the workman is entitled to?”

2. After the receipt of the reference, it was taken on file as I. D. No. 138/2003 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner Union in the Claim Statement are briefly as follows:—

The I Party Union espouses the cause of the concerned workman namely Sri S. Ramamoorthy who was working as a Clerk in the Central branch of the II Party/Management and he joined as a clerk on 18-4-1983. One Mrs. Indirani, Savings Bank account holder of Karur Central Branch gave a complaint on 25-5-2000 stating that she did not withdraw Rs. 1,00,000 on 11-9-99 as shown in her account. Based on that complaint, a preliminary enquiry/investigation was done by Sri R. Sampath Kumar, an officer of Central Office at Karur and the said officer enquired all the staff in the branch and he was not able to find out the culprit in spite of verification of records. A police complaint was also given to District Crime branch and in that also it is clearly admitted that the bank could not trace out the culprit. The II Party/Management also issued memos to staff involved in the transaction regarding issuance of cheque book in the name of Mrs. Indirani and also with regard to payment of Rs. 1,00,000 made in her account. All the workman have given reply including the concerned workman and the concerned workman had stated that he had nothing to do with the above transaction except paying the amount as authorised by the officer. When all the persons concerned involved in the transactions were issued with memos and called for explanations, the II Party/Management has placed the concerned workman namely Sri S. Ramamoorthy alone under suspension w.e.f. 16-9-2000 and he was issued with charge memo dated 9-11-2000 based on the complaint said to have been given by a customer namely Mr. G. Kannan. It was alleged in the charge memo that on 23-5-2000 when Mr. Kannan came to the branch for availing a deposit loan of Rs. 15,000, the concerned employee who was working in deposit loan section requested him to give him a hand loan of Rs. 5000 for which he suggested Mr. Kannan to raise deposit loan of Rs. 20,000 instead of Rs. 15,000. It was alleged that the

act of pressurising the customer, borrowing from him and being unable to settle the dues were highly unbecoming of a bank employee and that it tarnished the image of the bank and it was also alleged that it was an act prejudicial to the interest of the bank constituting gross misconduct under clause 19.5(j) of Bipartite Settlement. Even though the concerned employee has submitted his explanation that he did not borrow money from Mr. G. Kannan, the Respondent/Management has not accepted the contention and an enquiry was ordered. Further, the concerned employee has submitted a letter written by Mr. G. Kannan that he paid the hand loan only to the friend of the concerned employee and he was misguided at the branch making allegations against the concerned workman. But, without accepting the contention and without accepting the letter given by Mr. G. Kannan, the Respondent/Management issued another memo alleging that the concerned employee took the signature of Mr. G. Kannan in a pre-typed letter by force and compulsion. The said charge memos are not fair and the enquiry was conducted in a undue haste and in utter disregard to the principles of natural justice and the Enquiry Officer has held that the charges framed against him have been proved and the Disciplinary Authority also has not accepted the explanation given by the concerned employee and he has concurred with the findings of the Enquiry Officer and has also given the punishment of dismissal from service. Even the appeal preferred by the concerned employee was rejected by the Appellate Authority by an order dated 13-11-2002. During the pendency of the said enquiry, the Respondent/Management issued another charge memo dated 3-1-2001 alleging that the concerned workman was in the habit of using password of Sri P. Muthusamy another clerk of the branch and on 22-7-99 cheque book bearing Nos. 356841 to 356850 was issued to S.B. account standing in the name of Smt. Indirani using the computer password of Mr. P. Muthusamy without obtaining necessary request slip from the customer and without entering issuance of cheque book in the cheque book issue register and without obtaining signature of the account holder or her representative in the cheque book issue register. Further, it was alleged that one cheque leaf bearing No. 356844 of the above cheque book was used to withdraw Rs. 1,00,000 on 11-9-99 from the account of Smt. Indirani and the concerned employee only could have used his password to commit the fraud on the bank. But, before he could submit his explanation, the Respondent/Management ordered an enquiry into the charges levelled against him in charge memo dated 3-1-2001. The officer who passed the cheque on that day was one Mr. Subramaniam and one Mr. Chandrasekar who did checking and verified all the transaction for the day on 11-9-99. The said officer Mr. Chandrasekar did not give any complaint about the non-availability of cheque and in fact, he had stated during the preliminary investigation that on that day itself, he noticed that cheque was not

available but he failed to complain the same to Branch Manager. Therefore, the action of the Respondent/Bank in proceeding against the concerned workman alone was mala fide and illegal. The Enquiry Officer with a predetermined mind has come to a conclusion that charges framed against the Petitioner has been proved and the Disciplinary Authority also without considering the submissions made by the concerned workman dismissed him from service by an order dated 10-7-2002. The concerned workman's appeal was also rejected by the Appellate Authority by an order dated 20-8-02. Thus, the Respondent/Management without verifying the genuineness of the complaint and without getting explanation on the complaint from the concerned workman issued charge memo, which is illegal and mala fide. Even assuming without admitting that the allegation would constitute misconduct, it would come only under clause 19.7 (j) and (l) of Bipartite Settlement which are minor misconducts and therefore, dismissing the concerned workman from service only based on the incredible evidence of Mr. G. Kannan is arbitrary and illegal. The Respondent/Management has not taken into account the unblemished past record of the concerned workman which was relevant for extenuating circumstances in his favour. Therefore, it will vitiate the dismissal. Further, the punishment of dismissal in the facts of this case is excessive and shockingly disproportionate calling for interference of this Tribunal under Section 11A of the Act. With regard to the dismissal based on charge memo dated 3-1-2001, the entire disciplinary action is mala fide. The charge memo and disciplinary action and dismissal order is purely based on suspicion, assumption, presumption, conjectures and surmises. The Respondent/Management has made the concerned workman a scapegoat and hence, the order of dismissal is illegal and unjust. The cheque was received by Mr. Narayanan and an Officer Mr. Subramaniam has passed the cheque for payment by scoring out the cheque and putting 'pay cash' seal and the concerned workman has done only payment of cash to the cheque in question and it was third and final stage. Therefore, merely for making payment based on "pay cash" order of the officer, the concerned workman cannot commit any fraud as alleged by the Respondent/Management. Therefore, the dismissal is illegal. Further, the allegation that looking after the cash transaction during the extended business hours cannot by itself establish the alleged charge. The Enquiry Officer, Disciplinary Authority and Appellate Authority failed to see that any amount of mere suspicion cannot take the place of proof and therefore, the dismissal only based on suspicion is illegal and unsustainable. In the enquiry, there was absolutely no evidence to prove as to how the concerned workman was connected with the alleged issuance of cheque book to Smt. Indirani. As per circular in force, Sri P. Muthusamy was responsible for issuance of cheque book and the loss if any since the cheque book

was issued in his password. Further, one Mr. Nagarajan, S.B. Account clerk on 22-7-99 was responsible for getting necessary requisition slip and for making entries in cheque book issue register. Similarly, Sri Subramanian was the officer who was the custodian of cheque book on 22-7-99, was responsible for the issuance of cheque book after getting signature from the customer in cheque book issue register. Hence, the entire disciplinary action against the concerned employee is vitiated. Similarly, on 11-9-99 the cheque bearing No. 356844 was received by S.B. Clerk Mr. Narayanan for payment and the same was passed by officer Mr. Subramanian for payment after making entries in scroll and therefore, without taking any action against the said person, the action of the II Party/Management in dismissing the services of concerned workman is malafide, illegal and discriminatory. Further, the officer Mr. Chandrasekar has not tallied and verified all the transactions on 11-9-99 and he did not also make any complaint on the alleged non-availability of instrument. Without taking any action against the said officer, the charges framed against the concerned employee is illegal. Therefore, it is a clear case of both factual and legal victimisation and hence, the dismissal order is liable to be set aside. Hence, for all these reasons, the Petitioner Union prays that an award may be passed reinstating the concerned employee with continuity of service, back wages and all other attendant benefits.

4. As against this, the Respondent in its Counter Statement alleged that the Respondent is a banking company and one type of account maintained in the branch is Savings Bank account. The S.B. account holders are given cheque facility on request and cheque book will be issued against acknowledgement of account holder in the cheque book issue register which will contain entries of number of cheque leaves. The branches of the II Party/Management which are computerised in which every employee is given I.D. number and he has to evolve a password and by pressing I.D. number the holder will get access to server. Therefore, the author of every entry made in the ledger can be traced with reference to his I.D. number as found in the computer. The access log book can be compiled from system which will show the entries made by various employees as well as the time at which every employee has logged in and logged out in computer on the date. The Karur Central Branch where the concerned workman was working had business hours from 10.00 am to 2.00 pm from Monday to Friday and from 10.00 am to 12.00 noon on Saturdays with an extended business hour of one hour. Normally regular cashier will close his scroll at the end of normal business hours and another cashier will be posted for extended business hour. The officer who passes the cheque also maintains a scroll and while passing the cheques he will mention serial number on the face of the cheque as per scroll maintained by him. When the cheque comes to cashier in counter for payment, he is expected to

maintain the same serial number and there is no scope for mixing up of serial numbers of one maintained by the officer and the other maintained in cash counter. Further, the bank pays its employees handsome remuneration besides providing excellent service conditions. Therefore, they are expected to be not pecuniarily obliged to any account holders or resort to external borrowing. While so, on 22-7-98 one Mr. Indirani opened S.B. Account No. 21644 and she was given a cheque book containing ten leaves bearing Nos. 356841 to 356850. On 20-5-2000 one Mr. R. Kannappan, father of Mr. Indirani came to the branch with a passbook to inform that an entry of withdrawal of 11-9-99 for Rs. 1,00,000 was made by his daughter. On verification, it was found that withdrawal of Rs. 1,00,000 on 11-9-99 made by cheque No. 356844 and the said cheque leave was missing from the voucher of bundle dated 11-9-99. When the day book and S.B. Account was verified, the concerned officer ticked all the entries in the day book except the entry relating to withdrawal of Rs. 1,00,000 where he noted with a dot mark. When it was further probed into, it was found that the computerised statement of 22-7-99 showed that a requisition for issue of cheque book was made by account holder pertaining to S.B. Account No. 21644 and a cheque leaf book containing cheque leave Nos. 356841 to 356850 was issued. However no requisition slip was available nor was any acknowledgement taken for the issue of cheque book on 22-7-99. The computer entry for the issue of cheque book was made through the password of Mr. P Muthusamy, clerk. The personal ledger showed the debit entry for Rs. 1,00,000 on 11-9-99 made through I.D. number of Mr. Narayanan, clerk. On 11-9-99 the Petitioner had worked as payment cashier during the normal business hours as well as in extended business hours. When the cashier scroll maintained by the Petitioner was verified with reference to cash scroll maintained by the officer, there were corrections and interchanging of entries between serial numbers 117 and 121. The employees of the branch were all questioned and one Mrs. Bala Venkatanaga Jothi was also questioned and she stated that on 11-9-99 she was the cashier for extended business hour but unusually the Petitioner came forward to act as the payment cashier even during the extended business hours and requested her to attend to receipts. Even during the enquiry, Mr. Muthusamy, clerk has also informed the investigation officer that the concerned workman was alone aware of his password and he had made the entries in the computer by using his password. There were other circumstances which clearly showed that it was the concerned workman who had issued the cheque book in respect of account No. 28166 on 22-7-99 as well as payment of Rs. 1,00,000 against cheque. On consideration of entire materials placed before him, the Enquiry Officer gave his report dated 19-1-02 holding that the charges against the concerned workman were

proved. After considering his representation the Disciplinary Authority passed an order dismissing the concerned workman from service. With regard to other charge when the concerned workman was under suspension, one Mr. G. Kannan, accountholder of S.B. No. 5090 gave a written complain that he had a fixed deposit for Rs. 27,000, on 23-5-2000 when he came to branch to raise a loan of Rs. 15,000 against the said deposit, the concerned workman approached him and requested him for a loan of Rs. 5,000, that the concerned workman prevailed on him to raise loan for Rs. 20,000 and pay him Rs. 5,000 and when he demanded the concerned workman to repay the loan he was evasive and he went to the branch he came to know that concerned workman was under suspension. Therefore, he approached the bank to help him to get back his money. Therefore, a charge sheet dated 9-11-2000 was issued charging him with misconduct of borrowing of Rs. 5000 from a customer of the bank which is an act prejudicial to the interest of the bank. Subsequently, the concerned workman has pressurised the said customer to withdraw his complaint and therefore, he was issued with another memo and in that enquiry, the concerned workman was also examined and on 3-8-2001 the Enquiry Officer gave his report holding that the charges against the concerned workman covered by charge sheet dated 9-11-2000 were conclusively proved and therefore, after following the usual procedure, the Disciplinary Authority passed an order dismissing the concerned workman from service. For these two charges, on 11-9-99 the concerned workman had volunteered to work as a payment cashier during the extended business hours solely knowing fully well that the deposited cheque was going to be presented and it should not fall into the hands of other employee, further in his cash scroll dated 11-9-99 with regard to entries 117 to 121 at page 49 because of the guilt mind he had made alterations by scoring out one entry correctly made and making the same entry later on substituted the later entries for the former and vice versa. Further, he used the password of Mr. Muthusamy for making entry in the issue of cheque book on 22-7-99. Thus, all the circumstances clinchingly prove that the concerned workman had committed fraud on accountholder of the bank excluding the involvement of others. It is false to allege that no reasonable opportunity was given to him during the domestic enquiry. When the concerned workman's representative asked for postponement of cross examination of Mr. G. Kannan solely with a view to protract the enquiry, the Enquiry Officer has rightly turned down his request. It cannot be said that the domestic enquiry was conducted in violation of principles of natural justice. In dealing with the question as to who could have issued the cheque book on 22-7-99, it was to be verified whether Mr. P. Muthusamy whose password appeared in computer could have used cheque book or whether the concerned workman could have operated the computer with the

password of Mr. P. Muthusamy at the relevant time. If the concerned workman felt that evidences of officers Mr. Subramanian and Mr. Chandrasekar were competent witnesses, he should have taken steps to examine them. Instead, he cannot ask the Respondent/Management to examine the said officers. It is evident that the concerned workman during the extended business hours on 11-9-99 while writing cashier scroll entries between 117 and 121 were jumbled making it evident the concerned workman was not mentally composed in making these entries. These circumstances clinchingly prove that the concerned workman was the culprit. It is no doubt true that in the matter of issue of cheque book on 22-7-99 as well as the matter of making payment of Rs. 1,00,000 against the cheque No. 356844 on 11-9-99 several employees namely Balavenkatanagothi, Mr. Subramanian, Mr. Chandrasekar, Mr. Muthusamy and Mr. Nagarajan became answerable, but at best they could only be accused of failure to perform their duties. The transaction had taken place without their knowledge or involvement, and it cannot be said that they acted dishonestly or in a suspicious manner so as to hold that their omission or negligence was sinister in nature. But the conduct of the concerned workman was different and has to be only dealt with severely. Therefore, the two domestic enquiries held into the charges against the concerned workman were fair and proper. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

5. In these circumstances, the points for my determination are—

1. "Whether the penalty of dismissal of concerned employee Sri S. Ramamoorthy, Clerk of Karur Central Branch by the Respondent/Management is proportionate, legal and justified?"
2. "To what relief the concerned employee is entitled?"

Point No. 1 :—

6. The case of the Petitioner is that two charge sheets were issued against the concerned employee and in both these charge sheets the Respondent/Management has alleged that charges have been proved and the concerned employee has been imposed with maximum punishment of dismissal from service. The Petitioner alleged that one Smt. Indirani S.B. account holder of Karur Central Branch in which the concerned employee Sri S. Ramamoorthy was working gave a complaint on 25-5-2000 stating that she did not withdraw Rs. 1,00,000/- on 11-9-99 as shown in her S.B. account No. 21644 and based on the said complaint, a preliminary enquiry was conducted and the Respondent/Management have given police complaint to District Crime Branch, Karur and memos were issued to

the persons concerned in the said transaction regarding issue of cheque book in the name of Smt. Indirani and also with regard to payment of cash made in her account. When all the persons have given explanation, the II Party/Management has placed the concerned workman alone under suspension w.e.f. 16-9-2000. While he was under suspension, the management has issued charge memo dated 9-11-2000 based on another complaint said to have given by a customer by name Sri G. Kannan and in that it was alleged that on 23-5-2000 when Mr. G. Kannan came to the branch for availing a deposit loan of Rs. 15,000 the concerned employee who was working in deposit loan section requested him to give him a hand loan of Rs.5,000 for which he prevailed on Mr. Kannan to raise loan of Rs. 20,000 instead of Rs.15,000 and due to pressure the said Sri Kannan borrowed the amount of Rs.20,000 and paid Rs.5,000 to the concerned employee and he has not repaid the same even after several requests which is highly unbecoming of a bank employee and that it tarnished the image of the Respondent/Bank. Further, on 15-12-2000, the Respondent/Management has also issued another memo stating that concerned employee took the signature of Mr. G. Kannan in a pre-typed letter by force and compulsion pressurising the customer to withdraw the complaint and failed to settle the dues in spite of their advise which is also highly unbecoming of a bank employee and by this act, he tarnished the image of the bank.

7. For this, the management has ordered the domestic enquiry when the domestic enquiry was pending against him on 3-1-2001, the Respondent/Management has issued another charge sheet charging him with misconduct of using password of another employee of the bank issuing cheque book without obtaining necessary requisition slip and making entry in cheque book issue register and making payment against one of the cheques on 11-9-99 and also got it destroyed. For this charge also domestic enquiry was ordered and in that the Disciplinary Authority has imposed the punishment of dismissal from service.

8. As against this, the Respondent/Management contended that with regard to charge sheet dated 3-1-2001 there are clinching circumstances pointing the complicity of concerned employee in the fraud played on the account holder and with regard to charge sheet dated 9-11-2000, it is conclusively proved when Sri G. Kannan approached the bank for a loan of Rs.15,000 against his fixed deposit, the concerned employee approached him and requested for a loan of Rs.5000 and he suggested Mr. Kannan to raise a loan of Rs. 20,000 and obtained a loan of Rs.5,000 from him and again pressuring the customer to withdraw his complaint and his failure to settle his dues in spite of advise and he further forced the account holder to submit a false statement and made an

attempt to tamper the evidence against him. With regard to second charge sheet dated 3-1-2001, the circumstances which clinchingly prove that the concerned employee is involved in the crime that on 11-9-99 when the payment of Rs.1.00 lakh was made the concerned workman had volunteered to work as payment cashier during the extended business hours solely knowing fully well that deposited cheque was going to be presented and it should not fall in the hands of other employee. Secondly, in the cash scroll dated 11-9-99 which was maintained by him on that day with regard to entries 117 and 121 at page 49 because of guilty mind he had made alteration by scoring out one entry correctly made and making the same entry later on substituted the later entries for the former and vice versa. Thirdly, he betrayed the confidence reposed by Sri P. Muthuswamy who had made his password known to him and used his password for making entry in the issue of cheque book on 22-7-99 and therefore, the Enquiry Officer's in both these charge sheets have come to a conclusion that charges framed against the concerned employee were proved and since the charges framed against the concerned employee were so serious, the punishment of dismissal was imposed on him and so, it cannot be said that the punishment imposed is not proportionate to the charges framed against the concerned employee. Under such circumstances, the claim of the Petitioner is not maintainable before this forum.

9. At the first instance, learned counsel for the Petitioner contended that the enquiry held by the Respondent/Management is not just and proper and no principles of natural justice was followed and hence, it should be held that domestic enquiry held by the Respondent/Management is not just and proper. In the preliminary issue, this Tribunal has come to the conclusion that opportunity was not given to defend the case properly and principles of natural justice has not been followed by the domestic enquiry and therefore, ordered an enquiry to be conducted before this forum. After that Respondent/Management examined five witnesses and marked Ex.M1 to M62 and on the side of the Petitioner no one was examined but marked Ex.W1 to W8. On the side of the Respondent, 1st witness examined was Mr. R. Sampath Kumar, MW1 who is the investigation officer appointed by the Respondent/Management with regard to the matter involved in the charge sheet dated 3-1-2001. MW2 is the Manager at the relevant time namely one Mr. R. Jagadeesan. MW3 is Smt. Balavenkata Nagajothi who acted as extended business hours cashier on 11-9-99. The Respondent examined Mr. P. Muthusamy as MW4 whose password has been involved in the charge sheet dated 3-1-2001. Lastly, the Respondent examined Mr. G. Kannan as MW5 namely the complainant in charge sheet dated 9-11-2000.

10. Learned counsel for the Petitioner contended that when the concerned employee was under suspension, MW5 has given a complaint and the Central Office without verifying the genuineness of complaint and without getting explanation on the complaint from the concerned workman, straight away issued charge memo dated 9-11-2000 and therefore, it is illegal and malafide. It is more or less procured by the Manager when the concerned employee was under suspension. Further, there was no legal, acceptable and definite evidence except the inconsistent, contradictory untrustworthy, incredible and interested testimony of Mr. Kannan to prove the allegations in charge memo stating that the concerned employee has obtained loan from Sri G. Kannan. There is no documentary proof to show that money has been borrowed by the concerned employee. Further, when the complainant himself has given the letter stating that he was misguided by the bank officials and not to act on his complaint, the bank authorities had taken a stand that it was obtained by the concerned employee giving pressure to the complainant which was malafide and illegal. Further, in this case, MW1 has not given any definite answer for what reason he has given so many letters namely giving complaint, withdrawing complaint, again sending letter stating that concerned employee has obtained a letter giving pressure to him and subsequently sent another letter stating that the amount was paid only to the friend of complainant and not to the complainant and again sending a letter stating that it was given only due to pressure given by the concerned employee, which clearly establish that this witness acted as a tool under the hands of Respondent/Management. Further, it is evident that he has obtained a loan subsequent to the complaint and when the domestic enquiry was pending before the Enquiry Officer. Thus, it is clearly proved that this witness Sri G. Kannan is not trustworthy person and he has acted as a tool under the hands of management and this complaint from Mr. G. Kannan was obtained by the Respondent/Management only because the management's action based on the complaint with regard to cheque transaction of Smt. Indirani would not stand to legal scrutiny and since the II Party/Management could not sustain their action before any Court of Law. Further, in the charge sheet, it is alleged that the concerned workman did not repay the loan amount despite bank's advise to settle the dues. But, there is not even an iota of evidence to state that bank has advised to settle the dues as alleged in the charge memo. Further, there is no specific provision in Bipartite Settlement for alleging that the act of pressurising the customer borrowing loan from him and being unable to settle the dues were unbecoming of a bank employee and therefore, the entire disciplinary action is without any justification or basis. Further, even assuming that without admitting that the allegation would construe misconduct, it would only come under clause 19.7(j) and (l) of Bipartite Settlement which are minor

misconducts and hence alleging misconduct under clause 19.5.(j) and dismissing the concerned employee under the said clause is illegal and unsustainable. Further, in any event, the amount was received by the said G. Kannan and there was nothing to proceed further and hence, II Party/Management ought to have been dropped the disciplinary action and there is nothing to show that the Respondent/Bank was caused with any prejudice leading to any financial loss or loosing a customer. Above all, without prejudice to their contention, the punishment of dismissal in the facts of this case is totally excessive and shockingly disproportionate calling for interference of this Tribunal under section 11A of the Act.

11. As against this, learned counsel for the Respondent contended that Respondent/Bank pays its employees handsome remuneration besides providing excellent service conditions. The Respondent/Bank is purely running on the basis of faith and confidence reposed on its employees. As employees of the bank have to deal with money of public, they are expected to be not pecuniarily obliged to any account holders or resort to external borrowing and further, the bank's medium of exchange cannot be used by account holders for their own benefits with the connivance of employees. In this case, when the concerned employee was under suspension, one Sri G. Kannan, account holder of S.B. Account No. 5090 gave a written complaint that he had fixed deposit for Rs. 27,000 and on 23-5-2000 when he came to the branch to raised a loan of Rs. 15,000 the concerned workman approached him and requested him a loan of Rs. 5,000 and also prevailed upon him to raise loan of Rs. 20,000 and to pay him Rs. 5,000 and further it is alleged that even after asking for several times, he has not paid the said amount. Therefore, charge sheet was issued and while the matter is pending, the concerned employee sent a letter enclosing a copy of a letter sent by said to have been given by Mr. G. Kannan alleging that the amount was borrowed only for the friend of concerned employee. But, again the said Sri G. Kannan gave a letter dated 4-12-2000 stating that concerned workman refused to repay the loan to Mr. G. Kannan unless Mr. Kannan withdraws his complaint and therefore, he has signed in that letter typed and brought by the concerned employee. Therefore, another memo of charge was issued to him. In that witnesses were examined and relying on the evidence given by witnesses, the Enquiry Officer has held that charges were proved against the Petitioner and the Disciplinary Authority on going through the evidence given by the witnesses and also statements made by the concerned employee has come to the conclusion that charges have been proved and imposed the punishment of dismissal. Since the concerned workman placed himself pecuniarily obliged to an account holder, he had certainly acted against the interest of the bank and such conduct got aggravated by the concerned workman instigating

the account holder to make a false statement. The evidence of Sri G. Kannan supported by the evidence of Manager amply supports the findings of the Enquiry Officer that the charges against the concerned workman were established. Under such circumstances, the punishment of dismissal cannot be said to be excessive, harsh and disproportionate to the charges proved against the Petitioner.

12. Since this Tribunal has ordered an enquiry to be conducted before this Tribunal and the said Sri G. Kannan, complainant was examined as MW5, from the evidence adduced by the said Sri Kannan and also from the arguments advanced by the counsel on either side, come to a conclusion that the person namely Sri G. Kannan is not a trustworthy person. Even for argument sake that concerned employee has borrowed Rs. 5,000/- from the said witness MW5 Sri G. Kannan, it is not believable that only due to pressure given by the concerned employee, he has changed his version in the next letter submitted to Respondent/Bank and stated that the amount was borrowed for the benefit of the friend of the concerned employee.

I do not know for what reason again he has changed his mind and sent another letter to the Manager concerned that this letter was obtained by concerned employee exerting pressure on him. Above all, when the amount has been settled by the concerned employee for what reason, he has given a letter stating that the amount borrowed for the benefit of friend of the concerned employee has been settled. Further, after all these incidents, for what reason he has sent another letter to the Manager stating that only due to pressure exerted by the concerned employee, he has written the letter stating that amount has been borrowed for the benefit of the friend of the concerned employee. Therefore, seeing all these circumstances, I find this person namely MW5 has not acted independently and he has obliged for some other person and has written so many letters as requested by that person. Therefore, it cannot be said that acting on evidence given by this witness, we can come to a conclusion that concerned employee has borrowed Rs. 5,000/- from the said person. Further, another circumstance to be noted in this case is that this complaint was made by Sri G. Kannan while the concerned employee was under suspension. Therefore, I find much force in the contention of the learned counsel for the Petitioner that this complaint must have been procured by the Manager of the Respondent/Bank to strengthen their case with regard to other complaint. Further, as contended by the learned counsel for the Petitioner that the punishment of dismissal in the facts of this case for this incident is totally excessive and shocking disproportionate. Under such circumstances, I find the first charge framed against the concerned employee is not proved and the punishment imposed by the Disciplinary Authority is not valid.

13. With regard to second charge memo dated 3-1-2001 learned counsel for the Petitioner contended that Respondent/Management has also gave police complaint

on 18-8-2000 on the ground that they could not find out the culprit which is evident from FIR 4/2000 filed in District Crime Branch, copy of which is marked as Ex. W8. This complaint was made only after internal investigation made by Mr. Sampathkumar, MW1. Therefore, there is no basis or additional material issued by Respondent/Management to issue charge sheet dated 3-1-2001 against the concerned employee. But for the reasons best known to the Respondent/Management, the said complaint was allowed to be closed and therefore, entire disciplinary action is mala fide. Further, in this case, the charge memo dated 3-1-2001, disciplinary action and the dismissal order are purely based on suspicion, assumption, presumption, conjectures and surmises. There is no proof or substantial evidence to charge the concerned employee with regard to the alleged incident. Further, when so many persons were involved in issuance of alleged cheque book and also in making payment of Rs. 1,00,000 for the cheque bearing No. 356844, it is curious to note how the Enquiry Officer has come to the conclusion that concerned workman has committed this fraud. In this case on 11-9-99, the cheque book bearing No. 356844 was presented for payment to the clerk concerned namely Mr. Narayanan. The said Mr. Narayanan after making necessary entries in the computer sent the cheque to Mr. Subramanian, officer for passing the cheque. The said Mr. Subramanian also verified the particulars with regard to signature and other things, passed the cheque through computer and by scoring out the cheque and by putting the seal "Pay Cash". The said officer had also made an entry in his scroll and only based on this order of officer, the concerned workman who acted as payment cashier, made payment to the borrower of the cheque. Therefore, there was no bias at all for Respondent/Management to make allegations against the concerned workman. The Respondent/Management with a mala fide intention and to save other officers and staff has proceeded as if the concerned workman has paid the cash to himself and as if the amount was paid without any other or prior process by others. In this case, except making payment as per order "Pay Cash" issued by the officer namely Mr. Subramanian, the concerned employee has not done anything more. Therefore, II Party/Management has made the concerned workman a scapegoat and therefore, dismissal is illegal and unjust. He further argued that payment of cash to the cheque involved was a third and final stage for encashment of cheque. The first stage was that the Clerk Mr. Narayanan received the said cheque an issued token to the bearer and the second stage was that the officer concerned Mr. Subramanian passed the cheque for payment by scoring out the cheque and putting "Pay Cash" seal. Thus, it is clear that the concerned clerk who has received the cheque after following the procedure has issued the token and the officer namely Mr. Subramanian had verified the signature in the instrument with the specimen signature and passed the order for payment of cash. Therefore, merely for making payment by the order of "Pay Cash" by the officer, the concerned workman cannot be said to commit any fraud as alleged by the

Respondent/Management. It is admitted by the witnesses that 'after the officer passed an order "Pay Cash" cashier has no say or cannot withhold the money mentioned in that cheque. Under such circumstances, the dismissal order based on the findings of the Enquiry Officer is illegal. The Respondent/Management even though relied on certain circumstances alleged to have been shown in this case has come to the conclusion, it has not made any thorough investigation with regard to the co-accused namely officer Mr. Subramanian and also the concerned clerk Mr. Narayanan and therefore, the conclusion arrived at by the Respondent/Management is only based on suspicion and conjecture and surmises. The Respondent/Management failed to see that any amount of mere suspicion cannot be take the place of proof as held by the Supreme Court and High Courts.

14. Learned counsel for the Petitioner relied on the rulings reported in 1998 3 LLN 878 INDIA PISTONS LTD. Vs. C. KUMARASWAMY AND ANOTHER; AIR 1964 SL 364 UNION OF INDIA Vs. H.C. GOEL; 1994 1 LLJ 795 GANESH ROUT Vs. UNION OF INDIA AND OTHERS and 1983 11 LLJ 1 BHAGAT RAM Vs. STATE OF HIMACHAL PRADESH AND OTHERS. In the first case, the employee was a store attender and the charge against that employee was while he was in general shift, he has certified as correct the truck load of 8 KL light diesel oil delivery by a Lorry, but after unloading the entire quantity it was found that there was a shortage of 869 Ltrs. Of light diesel oil and they have also made so many allegations. In that case, the Division Bench of the Madras High Court has held that "presumption and assumption made by the management against the Respondent also disclose that their action was not *bonafide* in making the first Respondent as a scapegoat for the illegal act of the contractor. In our view, the management will do well to inspire confidence in their workers, if they do not start doubting the worker for anything and everything. Unless the management has clinching evidence about the illegal activity of a worker, they should not indulge in taking frivolous action against their own workers." In the second judgement two questions arose before the Supreme Court, the first question was "Whether the Govt. is competent to differ from the findings of facts recorded by an Enquiry Officer entrusted with work of holding a departmental enquiry against the delinquent under Rule 55 of Civil Services (Classification, Control and Appeal) Rules, where in the High Court in dealing with Writ Petition filed by Govt. Officer who has been dismissed from Govt. held that the conclusion reached by the Govt. is not supported by any evidence at all. In that case, the Supreme Court has held in affirmative in both questions, wherein the Supreme Court observed that "though we fully appreciate the anxiety of the appellant to root out corruption from public service, we cannot ignore the fact that in carrying out the said purpose, mere suspicion should not be allowed to take the place of proof even in domestic

enquiries. It may be that the technical rules which govern criminal trials in courts may not necessarily apply to disciplinary proceedings, but nevertheless, the principle that in punishing the guilty scrupulous care must be taken to see that the innocent are not punished, applies as much to regular criminal trials as to disciplinary enquiries held under statutory rules." In the third case, wherein disciplinary proceedings were conducted against the member of Railway Protection Force and the Disciplinary Authority has come to the conclusion that act of pilferage of coal was with the tacit connivance of the members of Railway Protection Force, wherein the Rajasthan High Court has held that "there is no force in the submission of Sri Patnaik that in any case there is no evidence with any degree of definiteness to find the Petitioner guilty of charge. At best what was proposed by C.I.B. officials may raise suspicion against the Petitioner, which even in a domestic enquiry cannot take the place of proof as opined in the Nand Kishore's case. There being no other evidence in the case, the only fact of detection of coal at 7.35 hrs. in a nearby quarter cannot be taken to be a proof by any standard that the coal itself had been pilfered around that hour. The evidence of PW1 that he was informed at about 7.15 hrs that coal was being pilfered is also a very weak circumstantial evidence to hold that pilferage in all probability was from the wagon in question." In the fourth case, the Supreme Court while dealing with the case filed by forest guard has hold that "defence of the appellant was that he had sought advice of his block officer Sri Duni Chand, co-delinquent whether trees standing on private land could be felled without permission and he was informed by Mr. Duni Chand that once trees standing in one's private land can be felled without permission. A joint enquiry was proceeding against the appellant and Sri Duni Chand. After five witnesses were examined on behalf of the department, the Enquiry Officer separated the enquiry at the request of presenting officer and called Sri Duni Chand as a witness against the appellant. In his evidence, Mr. Duni Chand adopted the position that no such advice was sought nor was any such advice tendered. There is word of Duni Chand against the word of appellant and Duni Chand was trying to clear himself of the charges. We are not applying standard of strict proof in a criminal case, but in the facts herein narrated anyone discharging quasi-judicial function would have considerable hesitation in accepting the statement of Sri Duni Chand. Let us make it clear that we are not sitting on appeal over the findings of Enquiry Officer. In a Petition Under Article 226, High Court does not function as a Court of appeal over the findings of Disciplinary Authority but where the finding is utterly perverse, the Court can always interfere with the same. In that case, the Supreme Court has held "keeping in view the nature of misconduct, gravity of charge and no consequential loss, penalty of withholding of his increment with future effect will meet the ends of justice instead of termination of service."

15. But, as against this, learned counsel for the Respondent contended that though there is no direct

evidence with regard to charges framed against the concerned employee, there are clinching circumstances which tend to show that concerned employee involved in the fraud committed against the Respondent/Bank. The circumstances going in favour of the probability of the concerned employee being involved in the unauthorised payment of Rs. 1,00,000 on 11-9-99 are the issue of cheque book on 22-7-99 was not to the account holder Smt. Indirani; secondly; payment of Rs. 1,00,000 made against cheque No. 356844 on 11-9-99 was not made to Smt. Indirani and therefore, there must be some other person had managed for the unauthorised issue of cheque book and drawal of the amount on 11-9-99. The next circumstances is that the concerned cheque No. 356866 was missing even on 11-9-99. It is admitted that the fraud of unauthorised payment of Rs. 1,00,000 was committed by the same person and it cannot also be disputed that without the knowledge or connivance of staff or officers of the Respondent/Bank, it would not have been possible to commit such a fraud. Therefore, in these circumstances, the question is from among the employees of the Respondent/Bank who could have probably indulged or enabled in the fraud. It is admitted that the concerned employee was made payment on 11-9-99. While he was acting as payment cashier during the extended business hours and the said concerned employee was the person who had handled the instrument lastly and the witnesses examined in the case have stated and suspected the concerned employee. Further, there is no need for the witnesses to depose against the concerned employee and no motive alleged against these witnesses. It is clear from the documents produced on the side of the Respondent that when the cheque book was issued on 22-7-99 at 16.38 pm, the concerned employee was not on his node. Furthermore, the figures in payment roll at page 49 are jumbling and the concerned employee has not given any explanation for scoring and also jumbling of figures. Further, he has not examined himself in the enquiry, after a fresh trial was ordered by this Tribunal before this forum to explain all these things. Further, many persons involved in the incident namely the concerned employee Sri S. Ramamurthy, P. Muthuswamy, namely in whose password the cheque was issued and Siddharth who has caused the entry in the computer for issue of cheque book and also with regard to the officer concerned Mr. Subramanian who has ordered for issue of cheque book and also Mr. Chandrasekaran, who has verified the scroll on 11-9-99 and there was greater probability for the concerned employee to have issued the cheque book on 22-7-99. It was established that the cheque was missing even on 11-9-99 by the records produced by the Respondent. Furthermore, without the help or connivance of payment cashier, it would not have been possible for anyone to draw the amount. Further, it is established on 11-9-99 when Smt. Bala Venkata Naga Jothi who was the cashier during

extended business hours has stated that only on the request of the concerned employee namely Sri S. Ramamoorthy, she has looked after only receipt cashier work on that day during extended business hours and the concerned employee who has no necessity to act as payment cashier during the extended business hours had voluntarily taken the payment cashier post will clinchingly prove that the concerned employee alone has indulged in the fraud committed on 11-9-99. The concerned workman had volunteered to work as payment cashier during extended business hours on 11-9-99 solely knowing fully well that the deposited cheque which was going to be presented on that day and it should not fall in the hands of any other employees. Further, when Mr. P. Muthusamy was examined before this Tribunal, he has stated that his password was known only to the concerned employee and he has used his password for making entry in certain occasions and the concerned employee has not come forward before this Tribunal to deny this allegation. Further, he has not entered into witness box to say for what reason he had made alteration by scoring out one entry correctly and making later substitute entries *vice versa* at page 49 of the scroll on 11-9-99. Under such circumstances, it can be presumed that if he enters into witness box, he has no answer to deny all these things and only due to the guilt, he has got nervous and made these mistakes in the scroll entry. No doubt, the officer concerned namely Mr. Subramanian and clerk concerned Mr. Narayanan have passed the cheque but the circumstances shown against the concerned employee were clinchingly proved that the concerned employee alone involved in the fraud and not any other persons. Under such circumstances, the findings given by the Enquiry Officer and the punishment imposed by the Respondent/Bank are not harsh or excessive and it is proportionate to the charges levelled against the concerned employee. No doubt, the officers S/Sri. Chandrasekaran and Subramanian are involved in the incident but they were only negligent in discharging of their duties. No doubt, they have also been chargesheeted and they were all given punishments other than termination. On the other hand, the concerned employee was guilty of act of dishonest and therefore, he was awarded with the punishment of termination.

16. Then again the learned counsel for the Petitioner contended that though it is alleged that the acts of S/Sri Chandrasekaran and Subramanian are negligent, the Respondent/Management has not stated any reason for not examining the said officers before the domestic enquiry nor before this Tribunal when the trial was ordered before it. If they have been examined before this Tribunal, it can be established that their acts are negligent or misconduct and it is only because of their acts, the said fraud has been committed. It is his further contention that even though this Tribunal has come to the conclusion in the preliminary issue that the Enquiry Officer's refusal to give access log book register with regard to other employees during the relevant period, the Respondent/Management has not produced the access log book entries dated 22-7-99 to

substantiate their claim during the relevant hour, except the concerned employee no other employee has logged out their node, which clearly establish the contention of the Respondent/Management that only person involved in the fraud is concerned employee, but on the other hand, they have not given any reason for not producing access log book entries with regard to other employees and this will show that if the document is produced before this Tribunal, it will prove adverse to the interest of the Respondent/Management and therefore, the findings given by the Enquiry Officer and also the punishment imposed by the Respondent/Management is only on the suspicion, assumption, presumption, conjectures and surmises and therefore, relying on the ruling cited above, counsel for the Petitioner argued that the punishment imposed on the Petitioner is to be vitiated. He further relied on the rulings reported in 1985 1 LLJ 46 A.V. KRISHNAMURTHY Vs. GOVT. OF TAMIL NADU AND OTHERS wherein Division Bench of the Madras High Court while dealing with a case, wherein the appellant joined the State Govt. service as Town Planning Assistant and subsequently, he has been promoted as Joint Director in the Directorate of Town and Country Planning. In October, 1975, the Vigilance department has held the Petitioner with some other persons had indulged in malpractices and corrupt activities and thereafter the Commissioner of disciplinary proceedings after enquiry held that charge framed against the Petitioner and two others stood proved and recommended removal from service of Petitioner and two others. Accordingly, Govt. of Tamil Nadu passed an order dismissing the Petitioner and others. While dealing with the Writ Appeal filed by them the High Court has held that "here again, we find a case where there is total lack of acceptable evidence on the charge levelled against the Petitioner that he was actuated by corrupt motive. At the risk of repetition, we must point out that the cases are those where the findings of 2nd Respondent must be held to be perverse and unsupported by acceptable evidence..... These conclusions are mostly surmises and not the result of appraisal of any concrete and positive evidence. It is well settled that disciplinary proceedings before a departmental Tribunal are quasi-judicial in character and any conclusion to be reached by such Tribunal must be on the basis of acceptable evidence. Such evidence must have some degree of definiteness. It is true that the enquiry held by the Departmental Tribunal is not governed by strict and technical rules of evidence. But, if the Departmental Tribunal has rendered a finding based on no acceptable evidence that could be regarded as an error of law to be corrected by a writ of certiorari. Suspicion, inference, assumption and presumption cannot take the place of proof by means of acceptable evidence in disciplinary proceedings before a Departmental Tribunal." Relying on this authority, learned counsel for the Petitioner contended that concerned workman merely paid the amount after the order passed by the officer as "pay cash" and in such circumstances, it cannot be stated that the Petitioner alone is involved in the fraud. Under such circumstances, the

concerned employee has no other option but to pay the cash as per the order of officer "pay cash" who passed the cheque. Further, concerned employee need not show any interest in looking after the cash work during extended business hours as alleged by the Respondent/Management. He looked after the cash work only at the request of Smt. Balavenkata Nagajothi and though the said witness has stated that only on the request of the concerned employee she has looked after the receipt seat, this evidence was given only to safeguard her interest. Further, looking after the cash work in extended business hours cannot be against the workman and this cannot by itself establish the charge framed against the concerned employee. Therefore, any amount of mere suspicion cannot take place of proof and therefore, the punishment imposed by the Respondent/Management is illegal and unsustainable.

17. I find much force in the contention of the learned counsel for the Petitioner because though the Respondent/Management has shown several circumstances, they were absolutely no evidence to prove how the concerned employee was connected with the issue of alleged cheque book to the account holder. No doubt, Sri. P. Muthusamy was examined before this Tribunal and he has stated that his password was known to the concerned employee. It cannot be said that it is gospel truth and therefore, we can come to a conclusion that the concerned employee must have known the pass word of Sr. P. Muthusamy and he has acted in the computer and issued the cheque book. Further, the officer concerned who has verified the signature in the alleged cheque and also passed the order on that date must have also been examined before this Tribunal to show under what circumstances, they have passed the cheque. Therefore, without doing all these things, the Respondent/Management has framed charge against the concerned employee alone and come to the conclusion that vague inferences to be drawn from the circumstances shown before this Tribunal. I find there is no substance in the contention of the Respondent/Management that these circumstances will tend to show that concerned employee alone involved in the fraud committed against the Respondent/Bank. Therefore, I find this point in favour of the Petitioner.

18. Then, again learned counsel for the Respondent contended that reference made by the Govt. in this case is whether the penalty of dismissal against the concerned employee is proportionate, legal and justified? Therefore, this Tribunal has to see only whether the penalty of dismissal is proportionate or not and it cannot be said that the penalty of dismissal is illegal or not proper in the circumstances shown by the Petitioner.

19. But, I find there is no substance in the contention of the learned counsel for the Respondent because after introduction of Section 11A, power has been given to the Tribunal to satisfy itself whether the misconduct is proved. This is particularly so, even the findings arrived at by an employer in any enquiry properly held, the Tribunal has

also been given power for the first time to interfere with the punishment imposed by the employer and the Tribunal may hold that punishment is not justified because the misconduct alleged is not found proved and it does not warrant dismissal or discharge. The Tribunal may also hold that order of discharge or dismissal was not justified because the alleged misconduct itself is not established by sufficient evidence. Therefore, I find this point in favour of the Petitioner.

Point No. 2 :—

The next point to be decided in this case is to what relief the concerned employee is entitled?

20. In view of my foregoing findings that the penalty of dismissal against the concerned employee is not legal and justified, I find the concerned employee is to be reinstated in service with continuity of service and other attendant benefits. But with regard to back wages, I find there is no evidence on the side of the Petitioner to show that he was not employed after termination and no argument was also advanced on either side. In these circumstances of the case, I find half of the back wages will meet the ends of justice. As such, I direct the Respondent to reinstate the concerned employee with continuity of service and all other attendant benefits. The concerned employee is entitled to 50% of back wages. No Costs.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 7th December, 2005)

K. JAYARAMAN, Presiding Officer

Witnesses Examined:—

For the Petitioner/Claimant : None

For the respondent : MW1 Sri R. Sampathkumar
MW2 Sri. R. Jagadeesan
MW3 Smt. S. Balavenkata
Nagajothi
MW4 Sri P. Muthusamy
MW5 Sri. G. Kannan

Documents Marked :—

For the I Party/Claimant :—

Ex.No.	Date	Description
W1	27-07-00	Xeroc copy of the letter of AGM, PAD to Mr. Muthusamy
W2	09-09-98	Xerox copy of the circular No. 281/98
W3	Nil	Xerox copy of the S.B. Account of Smt. Indirani for the Period from 1-1-98 to 25-1-99
W4	Nil	Xerox copy of the extract of cheque issue register pages 31 and 35
W5	11-9-99	Xerox copy of the extract of cashier's scroll pages 23-25

W6	11-9-99	Xerox copy of the extract of Cashier's scroll pages 74-75
W7	11-9-99	Xerox copy of the FIT voucher No. 774
W8	18-8-00	Xerox copy of the FIR No. 4/2000

For the II Pary/Management :—

Ex.No.	Date	Description
W1	9-11-99	Xerox copy of the charge sheet issued to concerned employee
W2	15-12-00	Xerox copy of the addenda to charge sheet
W3	10-01-01	Xerox copy of the reply of the concerned employee to charge sheet
W4	10-1-01	Xerox copy of the order of Disciplinary Authority for enquiry
W5	22-01-01 and 7-2-01	Xerox copy of the enquiry notice
W6	15-02-01	Xerox copy of the enquiry proceedings
M7	16-02-01	Xerox copy of the enquiry proceedings
M8	15-03-01	Xerox copy of the enquiry proceedings
M9	04-04-01	Xerox copy of the enquiry proceedings
M10	12-10-01	Xerox copy of the letter from Karur Central Branch to Central Office.
M11	12-10-00	Xerox copy of the letter submitted by G. Kannan.
M12	25-11-00	Xerox copy of the letter submitted by concerned employee
M13	Nil	Xerox copy of the letter given by G. Kannan.
M14	12-12-00	Xerox copy of the letter from Karur Central Branch to Central Office.
M15	4-12-00	Xerox copy of the letter submitted by G. Kannan
M16	05-01-01	Xerox copy of the letter from karur Central Branch to Central Office.
M17	Nil	Xerox copy of the letter submitted by G. Kannan
M18	Nil	Xerox copy of the statement of DL account 97684 of Kannan
M19	23-05-00	Xerox copy of the letter submitted by Kannan

M20	23-05-00	Xerox copy of the DPN submitted by Kannan regarding deposit Loan	M43	22-07-99	Xerox copy of the cheque issue register.
M21	18-05-00	Xerox copy of the TTT Deposit receipt No. 476584 of Kannan	M44	22-07-99	Xerox copy of the cheque issue register.
M22	23-05-00	Xerox copy of the cash debit voucher	M45	Nil	Xerox copy of the cheque number query with issue and payment Details of cheque No. 356841-356850
M23	Nil	Xerox copy of the statement of TTT A/c. No. 476584 of Kannan	M46	Nil	Xerox copy of the statement of account of Mrs. Indrani S. B. A/c. 21644
M24	23-05-00	Xerox copy of the deposit loan audit trial	M47	11-9-99	Xerox copy of the cash payment scroll of concerned employee
M25	18-05-00	Xerox copy of the TTT application form submitted by Kannan	M48	23-06-00	Xerox copy of the letter from Muthusamy to AGM, Central Office
M26	04-08-01	Xerox copy of the findings of Enquiry Officer	M49	Nil	Xerox copy of the letter from Mrs. Balavenkata Nagajothi to AGM, Central Office
M27	16-08-01	Xerox copy of the written representation submitted by Defence representative.	M50	30-06-00	Xerox copy of the report of Mr. Sampathkumar.
M28	08-04-02	Xerox copy of the show cause notice proposing punishment	M51	22-07-99	Xerox copy of the userwise code pertaining to staff identity PM
M29	10-07-02	Xerox copy of the final order issued to concerned employee	M52	22-07-99	Xerox copy of the userwise code pertaining to staff identity SRM
M30	20-08-02	Xerox copy of the appeal preferred by concerned employee	M53	11-09-99	Xerox copy of the extract of cash scroll
M31	13-11-02	Xerox copy of the order of Appellate Authority	M54	11-08-00	Xerox copy of the letter of Muthusamy to AGM, PAD
M32	03-01-01	Xerox copy of the charge sheet issued to concerned employee	M55	28-08-99	Xerox copy of the extract of cash scroll of Karur Central Branch
M33	02-03-01	Xerox copy of the order of Disciplinary Authority for enquiry	M56	23-05-00	Xerox copy of the extract of cash scroll
M34	28-04-01	Xerox copy of the enquiry notice.	M57	30-01-02	Xerox copy of the findings of Enquiry Officer
M35	11-05-01	Xerox copy of the enquiry proceedings.	M58	24-02-02	Xerox copy of the written representation submitted by Defence representative
M36	08-06-01	Xerox copy of the enquiry proceedings.	M59	08-04-02	Xerox copy of the proposed punishment of show cause notice
M37	09-06-01	Xerox copy of the enquiry proceedings.	M60	10-07-02	Xerox copy of the final order issued to concerned employee
M38	27-06-01	Xerox copy of the enquiry proceedings.	M61	20-08-02	Xerox copy of the appeal filed by concerned employee
M39	28-06-01	Xerox copy of the enquiry proceedings.	M62	13-11-02	Xerox copy of the order of Appellate Authority.
M40	10-07-01	Xerox copy of the enquiry proceedings.			
M41	20-07-01	Xerox copy of the enquiry proceedings.			
M42	25-05-00	Xerox copy of the letter of Mrs. Indrani			

नई दिल्ली, 1 मार्च, 2006

का. आ. 1155.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत ओवरसीज बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के प्रचाट (संदर्भ संख्या 475/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-2-2006 को प्राप्त हुआ था।

[सं. एल-12011/26/96-आई. आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 1st March, 2006

S.O. 1155.—In pursuance of Section 17 of the Industrial disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 475/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Bharat Overseas Bank Ltd. and their workman, which was received by the Central Government on 28-2-2006.

[No. L-12011/26/96-IR (B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI**

Monday, the 28th September, 2005

PRESENT

K. Jayaraman, Presiding Officer

INDUSTRIAL DISPUTE NO. 475/2001

(Tamil Nadu Industrial Tribunal LD. No. 16/98)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Bharat Overseas Bank Ltd. and their workman)

BETWEEN

1. All India Bharat Overseas Bank Employees Union, Chennai.
2. The General Secretary, National Confederation of Bank Employees, Chennai.

AND

The Chairman & CEO, Bharat Overseas Bank Ltd. Chennai.

Appearance:

For the Claimant : M/s. Balan Haridas & R. Kamatchi Sundaresan, Advocates
For the Management : M/s. T.S. Gopalan & Co., Advocates

AWARD

The Central Government, Ministry of Labour vide order No. L-12011/26/96-IR-(B-I) dated 30-8-1996 has referred this industrial dispute to this Tribunal for adjudication. The Schedule mentioned in that order is :

1. "Whether the demand of the Union for redesignating of employees entrusted with minor supervisory duties as special assistant with special allowance as in the nationalised bank and other private banks and creation of Special Assistant post at the ratio of 10 : 1 is justified or not ? If so, to what relief are the workman entitled ?"
2. Whether the demand of the union for payment of cash peon allowance for subordinate staff performing cash duties is justified or not ? If so, what relief are the workmen concerned entitled to ?"
3. Whether the demand of the union for including NIIT for being eligible to draw the incentive for undergoing computer education is justified ? If so, what relief are concerned workmen entitled to ?"
4. Whether the demand of the union for restoration of pay and allowance to the award staff attached to Head Office on 31-8-94 and 1-9-94 is justified ? If so, what relief are the workmen entitled to ?"
5. Whether the action of the management of Bharat Overseas Bank Ltd. in terminating the services of Shri Jayakaran Daniel is legal and justified ? If not, to what relief the concerned workman is entitled ?"
6. Whether the action of the management of M/s. Bharat Overseas Bank Ltd. in declining special casual leave to office bearers and executive committee members and recovering pay and allowance for availing special leave for attending union meeting is legal and justified ? If not, to what relief are the workmen entitled ?"
7. Whether the action the management of M/s Bharat Overseas Bank Ltd., Madras in withholding of annual increment of Shri C. Nanda Kumar, due on November, 1995 and non-granting of professional qualification increment due to Shri Vijaya Kumar Bhat is legal and justified ? If not, to what relief are the workmen entitled ?"
8. Whether the action of the management of Bharat Overseas Bank Ltd., Madras in recovering the money from the account of Mrs. Kishan Singh is legal

and justified? If not, to what relief is the workman entitled?

9. Whether the action of the management of Bharat Overseas Bank Ltd. in withholding ex gratia amount payable to some workmen is legal and justified? If not, to what relief are the workmen entitled?
10. Whether the action of the management in denying arrears due to the temporary staff on account of recent wage Bipartite Settlement is justified? If not, to what relief are the workmen entitled?
11. Whether the demand of the union for revising the special allowance paid to employees performing minor supervisory duties is legal and justified? If so, to what relief are the workmen entitled?
12. Whether the action of the management in withdrawing the HRA and PF on special allowance paid to employees performing minor supervisory duties is legal and justified?
13. Whether the action of the management in withdrawing of ex gratia paid to part time sweeper for 1993-94 is justified? If not, to what relief are the workmen entitled?"

2. After the receipt of the reference, it was taken on file as I.D. No. 475/2001 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner in the Claim Statement are briefly as follows :

The respondent/Bank namely Bank of Baroda is a bank in private sector. It is governed by the provisions of Banking Regulation Act. The nature of the functions performed are identical with the banking functions of all other banks both in private as well as in public sector. The service conditions of workmen of Respondent/Bank are governed by various Bipartite Settlements. The latest settlement which is in force at the time of raising the dispute is 6th Bipartite Settlement which modified and revised the terms and conditions of the workmen employed in the various banks. The Respondent/Bank is a registered bank and the share holding of the bank is exclusively owned by some of the banking institutions including Indian Overseas Bank. It was registered during the year 1973. At that time, it was functioning all over India with 54 branches and also carrying on its activities overseas with a branch at Bangkok and Thailand. The Respondent/ Bank in its employment has got about 732 workmen namely award staff, in addition to this 250 officers are also employed. The award staff is responsible for efficient functioning of the bank for excellent name it has earned in the banking business within a short time. The Award staff have organised a Trade Union called All India Bharat Overseas Bank Employees Union namely the Petitioner Union. The Petitioner Union is the only Trade

Union registered in respect of employees in Respondent/Bank. It has cordial industrial relation with the bank management till the present Chairman & Chief Executive took over the affairs of the bank some time at the beginning of December, 1992. However, after the taking over of the present Chairman, the industrial relations become very strained gradually. The first strained relationship was with regard to promotion policy. The promotion from sub-staff to clerical cadre was not implemented as was required to be done and the Respondent/management announced a promotion policy on 8-11-94 which was unilaterally done and it was violative of Section 9A of the I.D. Act and it was opposed by the union. On account of the adamant attitude of the Chief Executive of the bank, the relationship further deteriorated and the Respondent/Bank started resorting to arbitrary transfers of clerical staff from State to State and distant places and they were done by way of victimisation and with a mala fide intention. Consequently, a committee was constituted by the Respondent/Bank in which the representatives of the Petitioner union were also invited for discussion. After a prolonged discussion, the Petitioner union agreed to certain terms and conditions regarding the outstanding issues between the parties. Later the said minutes also formed part of the reports of management, but however after confirmation, the Chief Executive went back on what was agreed to and refused to sign the minutes. This led to further bitterness and the workmen were very much agitated resulting in strained relationship. Thereafter, the Respondent/Bank resorted to some more arbitrary transfers including the transfer of women employees. When the officer bearer of the union were trying to explain to the Personnel Manager, he showed his non-co-operation and his behaviour was provocative. Therefore, the Petitioner union had no other alternative but to issue a strike notice on 8-11-94. The conciliation officer immediately took up the matter for conciliation. But the management did not settle any of the demands except two major demands. Subsequently in March, 1995 at the instance of Board of Directors of the bank, a four members Committee was constituted and the committee met twice and unanimously agreed to certain terms and they were also recorded. But, unfortunately, the Chairman of the Respondent/Bank refused to furnish a copy of those minutes which were agreed to by the members of the Committee and because of that the committee became defunct. Subsequently, the management has charge sheeted the President of the union, General Secretary and office bearers of the union and hence, the members of the union were agitated and went on strike throughout the country and the workmen displayed their solidarity and the strike continued till 31-8-96. In the meantime, the present reference was made by the Govt. and continuance of strike was deferred in view of Govt. order issued under section 10(3) of the Act. The first demand of the Petitioner union is for re-designation of employee entrusted with minor supervisory duties as special assistant with special allowance as in the nationalised bank and other

private banks and creation of special assistant post at the ratio of 10 : 1. This is inconsonance with the similar service condition that is prevailing in all other banks throughout the country. This is to recognise and to redesignate all the workmen who are performing minor supervisory duties as special assistants and to pay them the special allowance payable to special assistants as per Bipartite Settlement. In fact when discussion were held during April, 1994 this demand was considered by the committee constituted by the management and the minutes were recorded and they were also confirmed. Further, according to the 6th Bipartite Settlement arrived at the duties of special assistants have been well defined and a total special allowance of Rs. 629 is payable to such special assistants in the ratio of 1 : 10 with all attendant benefits attached to the same. The second demand of the Petitioner union is that payment of cash peon allowance for subordinate staff performing cash duties. This allowance is being paid where there are more than three messengers. But the Petitioner union demanded that whenever there are more than one messenger peon working in any branch, at least one of them could be paid this cash peon allowance because one of them invariably, attends to the duty of cash and this is the practice that is prevailing in other banks and this is also agreed under the Bipartite Settlement which specifies the nature of duties to be performed by the sub-staff. The third demand of the Petitioner union is for including the qualification of NIIT for being eligible to draw one time incentive for undergoing computer education. This demand has also been conceded by the Respondent/Bank in the minutes to which a reference has already been made. Only later, the Respondent/Bank went back upon its words by not entering into a settlement though the minutes were confirmed. The fourth demand of the Petitioner Union is for restoration of pay and allowances of award staff attached to Head Office on 31-8-94 and 1-9-94 which was deducted to the extent half an hour wages on 31-8-94 and half-a-days wages on 1-9-94. The deduction of the Respondent/Bank is unjustified and illegal and it was made arbitrarily and capriciously because of the fanciful attitude of the Respondent/Management and no notice was issued to individual workman from whom wages have been deducted in respect of 31-8-94 and 1-9-94 and hence this is in violation of principles of natural justice. In fact, the workmen did not go on demonstration on 31-8-94, therefore, there cannot be a mass punishment without complying with rules of natural justice and the workmen are entitled for restoration of the entire salary deducted by the Respondent/Management. The sixth demand of the Petitioner union is that the action of the management in declining special casual leave to office bearers and executive committee members and recovering pay and allowances for availing special leave for attending to union activities/meeting. The Management has unreasonably and arbitrarily rejected the request of the union for grant of special casual leave to office bearers and executive members. As per the terms of Bipartite

Settlement which is a part of the condition of service and which has been agreed to and which is also binding on the management, Sri Jayakaran Daniel is eligible for 21 days of special casual leave per calendar year to attend these meetings and he had not exhausted the special casual leave but the Respondent/Bank has arbitrarily rejected his request vide letter dated 20-12-1995, but it had also deducted wages in respect of two days for 16th and 17th November, 1995. Similarly, for the special casual leave which he had applied for from 7-5-96 to 9-5-96 were declined. Consequently, he lost wages for five days though he was legally entitled to the said wages in view of several settlements to which a reference has been made and which were also binding on the Respondent. The action of the Respondent/Management is being arbitrary, unreasonable, irrational, capricious and unjust and it is a clear case of unfair labour practice. Similarly, one Mr. Rajendra Kumar, Assistant General Secretary of the Punjab region of the union to whom casual leave was declined for 8th and 9th April, 1996 to attend conciliation proceedings held by office of Regional Labour Commissioner (Central), Chandigarh and his wages for the said two days were recovered. Further, his wage for one day on 23-4-96 was also deducted, though he had applied for special casual leave for the same on 19-4-96 itself which was well in advance. The seventh demand pertains to action of the Respondent/Bank in withholding annual increment of Sri C. Nandakumar, which was due to him on November, 1995. The eighth demand relates to action of the Respondent/Bank in recovering the money from the account of Mr. Kishan Singh, an employee of the bank working in Jalandar district. Since these 7th and 8th demands had been subsequently considered by the Respondent/Management, no relief is claimed in this dispute. The ninth demand relates to action of the Respondent/Bank in withholding ex-gratia amount payable to some workmen. The bank had illegally denied ex-gratia in lieu of bonus to some of the workmen for the accounting year 1994-95 and 1995-96. It was given without any precondition till the accounting year 1993-94 and from 1994-95 onwards, the ex-gratia that was agreed to be paid have been refused to certain employees. The same had been denied to staff members without any rhyme or reason or without any justifiable cause. It cannot be said that this ex-gratia was paid in lieu of bonus because the statutory provisions of Payment of Bonus Act are not applicable to these employees, who are outside the purview of the provisions of Bonus Act. It is now well settled and accepted that an industry not only belongs to a shareholder, but it also belongs to labour, because the shareholder only invests money, whereas the labour provides profit to shareholders/investors. Therefore, it is established that the conditions mentioned in the said circulars be declared as ultra vires and unreasonable and unjustified. Further, it is to be looked into that Respondent/Bank did not impose any condition for payment of ex-gratia for accounting years 1989-90 and 1993-94. The tenth demand of the Petitioner

union relates to action of the Respondent/Bank in denying arrears due to temporary staff on account of recent wage Bipartite Settlement. Whenever wages were revised to the permanent employees as per Bipartite Settlement, temporary employees pay structure was also paid on pro-rata basis. The temporary employees also became eligible to receive wages as per revised Bipartite Settlement and the Bipartite Settlement is implemented with retrospective effect as per the terms of settlement and when the workmen on permanent basis were paid arrears of salary and allowances, the same was not done in the case of temporary employees. Whenever wages were revised on earlier occasions as per Bipartite Settlement the bank had paid arrears to temporary employees as also on par with permanent employees on the concept of equal pay for equal work. But, in the case of sixth Bipartite Settlement the benefits were not extended to temporary employees w.e.f. 1-11-92 and no reason has been assigned by the Respondent/Bank for the same. Therefore, the action of the Respondent/Management is unjustified and therefore, the union demands that the temporary employees should also be paid arrears as are being paid to the permanent employees. The eleventh demand relates to revise the special allowance paid to employees performing minor supervisory duties. Even though in the Respondent/Bank the posts of special assistant as such have not been created but as per the Bipartite Settlement dated 19-6-89 all those clerical staff who are entrusted with the work of performing minor supervisory duties were being paid special allowance of Rs. 524 per month. After signing the 6th Bipartite Settlement the workmen also became entitled to get this special allowance of Rs. 629 for performing minor supervisory duties. But, however this amount is not paid but the employees continued to get special allowance of Rs. 524 only. In fact, this demand was also conceded by the Respondent/Bank and it was also recorded in the minutes of discussion. The 12th demand relates to action of the management in withdrawing the HRA and PF on special allowance paid to employees performing minor supervisory duties. The Respondent/Bank had agreed to give special allowance to clerical staff who perform minor supervisory duties as per Bipartite Settlement dated 19-6-89 and also agreed to pay other allowances like HRA, PF etc. by treating the special allowance as part of the basic pay. In fact, the Respondent/Management continued to pay both HRA and PF till April, 1995. But the Respondent/Management stopped the payment of HRA and PF on the special pay w.e.f. 1-5-95 and they have not given any reason for withdrawing these benefits. The action of the Respondent/Management is totally reprehensible and it is a clear case of arbitrary exercise of power and in violation of provisions of Section 9A of the I.D. Act, as no notice of change has been given by the Respondent/Bank to change the service condition. Therefore, the union requests that the benefit of 6th Bipartite Settlement in respect of staff performing minor supervisory duties by raising it to

Rs. 629 with attendant benefits like HRA, PF etc. The last and 13th demand relates to action of Respondent/Bank in withdrawing ex-gratia paid to part time sweeper for 1993-94. The payment of ex-gratia was annually paid to all those staff who were not covered by the provisions of Payment of Bonus Act. In the year 1993-94 the part time sweepers were also paid ex-gratia because they were covered under the category called subordinate staff and in fact they paid ex-gratia of Rs. 2000 to part time sweepers working in different branches including Head Office. But this amount has been recovered from July, 1995 without any notice and there is no justification to recover this amount. The sweepers are low paid staff who come from the lower strata of society doing menial job. Therefore, the action of the management in recovering amount from them is a clear case of glaring injustice. Therefore, the Petitioner union demands that whatever amount recovered from the part time sweepers should be repaid together with interest thereon and they should also be paid appropriate damages for mental agony and hardship. Hence for all these reasons, the Petitioner union prays to pass an award holding the demands raised by the Petitioner union are just and fair and to direct the Respondent/Bank to implement the demands.

4. As against this, the Respondent in its Counter Statement contended that Sri Jayakaran Daniel purporting to be General Secretary of the Petitioner union as on that date has signed the Claim Statement, but the said Jayakaran Daniel was elected as General Secretary of the Petitioner union in the general council meeting held on the 14-8-94 and as per the bye-laws of Petitioner union, the members of the Executive Committee including the office bearers can hold the office only for thirty months or until replaced by those elected in the general council meeting whichever is earlier. The bye-laws also required that the general council meeting shall be held once in thirty months and in any case not later than thirty six months from the date of last meeting. But, no general council meeting of the Petitioner union was held after 14-8-94. Therefore, 36 months period was expired even by 1997 and therefore, the office bearers who were elected on 14-8-94 including Mr. Jayakaran Daniel must be deemed to have vacated their office. Therefore, the claim statement verified by him cannot be taken cognisance of or acted upon by this Tribunal. The Petitioner union has also put to strict proof that substantial section of workmen of the Respondent/Bank met acted together and decided to raise an industrial dispute with regard to matters which are now subject matter of adjudication. Therefore, it is not a valid industrial dispute and in the absence of valid authority, this industrial dispute referred itself is bad in law. In the banking industry there is always only one scale of pay applicable to clerical staff and another scale of pay for subordinate staff and in these two categories in some times, they are required to discharge or display special skill or take up higher responsibility or

perform special kind of work or assigned task and those categories of employees were considered for payment of special allowance and this rate of special allowance was used to be periodically revised under the industrial level settlements and while doing so, prior to 1966 under Desai Award, a provision for payment of special allowance was made for about twenty categories of employees in clerical cadre. It is clearly explained that no employee can assignment of special duty with a view to enable him to draw special allowance. By the Bipartite Settlement the clerical staff who are entrusted with those higher responsibilities and work of sufficient significance were classified as special assistants for whom payment of special allowance was provided for and there was no norm or rule that the post of special assistant should exist or to be created in every branch of every bank. With regard to Respondent/Bank the ratio of officers to clerical cadre is 1 : 1.98 as against the ratio of 1 : 3 prevailing in banking industry. Thus, the Respondent/Bank are manned by adequate number of officers, there was no need to create the post of special assistant in the Respondent/Bank as followed by some other banks including nationalised banks. The minor supervisory duties performed by clerical staff in the Respondent/Bank are totally different from the nature of duties prescribed for special assistants by the industry-wise awards or settlements. Under the settlement dated 19-6-89 the minor supervisory duties which some clerical staff will be required to perform and the rate of special allowance payable to them are governed. The said settlement is still in force and it has not been terminated by either of the parties. In the year 1978, an agreement was concluded in fixation of norms for giving special allowance to some of the categories of employees. Since then there has been no change in the circumstances to alter the norms for payment of special allowance to the subordinate staff. Further it is neither permissible nor open to the Petitioner or any workman to interfere in the matter of allocation of duties solely with a view to enable any workman to become eligible for the payment of special allowance. With a view to modernisation in computer equipments, the Respondent/Bank felt that the employees who have no experience in operating computers can equip themselves for career growth. Accordingly, a circular was issued on 23-9-94 and a scheme was introduced by the Respondent/Bank to provide training in computers to all the members in the clerical cadre and for this the Respondent/Bank entered into an agreement with NIIT, a reputed computer training institute which has agreed to conduct training programme for the staff members of the Respondent/Bank. Now the demand has been made that members who have completed training in NIIT should be paid a separate honorarium of Rs. 500 but this demand is wholly unjustified because when once they complete the training, they will be qualified to payment of special allowance fixed for computer operation as and when they are required to do computer operations. On 31-8-1994 the Respondent/Bank transferred and posted

one Mrs. Usha Srinivasan who was working as stenographer in the Personnel department in 4th floor of Head Office premises to Chief Regional Manager on the 2nd floor of the same premises. Protesting against the said transfer the staff members resorted to a work stoppage from 4.30 to 5.00 pm on 31-8-94 and from 10.00 A.M. to 1.00 pm on 1-9-94. Such of those staff members who participated in work stoppage did not earn their wages for the period of such work stoppage. The Petitioner union's demand for payment of wages for the period of strike is wholly unsustainable and unjustified. No doubt, the Bipartite Settlement dated 19-10-66 envisages grant of special casual leave to certain employees for attending meetings and conferences of trade unions of bank employees operating at national level. This was meant only for general meetings and conferences of trade unions and federations of All India character. But in this case, the union requested for grant of special casual leave to an employee said to be an office bearer of trade union for attending domestic enquiry and in another case, who was not office bearer of national character for the purpose other than those set out in Bipartite Settlement dated 19-10-66. The Respondent/Bank has been paying ex-gratia to its employees from the financial year 1991 onwards and no workman can claim it as matter of right nor can the Petitioner union seek alteration of conditions for payment of ex-gratia. The Respondent/Bank engages temporary sub-staff to meet the absenteeism of regular sub-staff and they were paid daily wages and this wages is fixed taking into consideration of the wages of regular sub-staff. Whenever wages of regular sub-staff were revised by Bipartite Settlement, the rate of daily wages of temporary sub-staff was also used to be revised from the month following the one in which the settlement was concluded and such revisions was not given retrospective operation. Therefore, the 6th Bipartite Settlement which was given effect to from 1-1-1992 would not entitle the temporary sub-staff to the revised rate of wages from the date the settlement was given effect to regular workmen, since they are not governed by Bipartite Settlement. Though the industrywise awards and Bipartite Settlement prior to the 4th Bipartite Settlement provided for payment of special allowance to some of the clerical staff who were required to perform duties involving higher responsibilities and designated as special assistants, such category of special assistants was not prevalent in the Respondent/Bank and consequently, there was no practice of paying such special allowances to any of the clerical staff in the Respondent/Bank. In the year 1989 Respondent/Bank entered into settlement with the Petitioner union by which it was agreed that such of those clerical staff who were required to do minor supervisory duties would be paid a special allowances. However, by mistake provident fund and HRA was paid on special allowance to the clerical staff who were required to perform minor supervisory duties and when this mistake came to the notice of the Respondent/Management, the anomaly was set right by ordering

forthwith the stoppage of payment of PF and HRA on special allowance payable to clerical staff who were required to do minor supervisory duties. There was no question of a right having accrued in favour of the clerical staff for payment of PF and HRA on the special allowance paid to them. The Respondent/Bank is covered under Payment of Bonus Act and by the year 1989, many of the employees including subordinate staff went out of the purview of Payment of Bonus Act and therefore from the year 1989-90, the Respondent/Bank decided to pay an ex-gratia to full time employees who have contributed to the performance of the bank and who were not entitled to bonus under the Payment of Bonus Act. The resolution of the Board of Directors did not make any specific provision for payment of ex-gratia to part time employees, therefore no ex-gratia amount was paid to part time sweepers for the accounting years 1989-90 to 1992-93. But without any instruction from the Head Office and without knowing the terms on which the payment of ex-gratia was considered by the board, some of the branches of the Respondent/Bank paid ex-gratia amount to part time sweepers in the accounting year 1993-94. When once such mistaken payment came to the knowledge of the Head Office of the Respondent/Bank, over payment was adjusted by way of recovery, hence it cannot be said that the action of the Respondent/Bank is unfair and illegal. In March, 1994, the Petitioner raised some 28 issues and approached the Chairman of the Respondent/Bank for resolving the same. An understanding was reached on 20 issues and many of which were implemented and some of which were agreed to be studied further and some of which were to be placed before the Board of Directors. On 13-5-1994 the Chairman of the Respondent/Bank met the committee members including the Secretary of the Petitioner Union and the written minutes was to be signed by the committee members and the Chairman. However, the General Secretary of the Petitioner Union refused to sign the minutes unless his proposal for fixing the ratio of 1 : 10 for the creation of special assistants from among the clerical staff was accepted and the proposal was not accepted by the Respondent/Bank and therefore, the minutes could not be signed. It is false to allege that the Respondent/Bank is adopting unfair labour practice against its workmen. It is also not correct to say that in any discussion with the committee held during April and May, 1994, the Respondent/Bank agreed to concede to the demands. The norms to be applied for payment of special allowance to members of the subordinate staff are covered by the agreement made in 1978. Hence, the demand made by the union is also liable to be rejected. That out of 93 award staff working in Head Office on 31-8-94 and 1-10-94, 91 award staff indulged in work stoppage and accordingly they were not paid wages for the period of work stoppage and none of the clerical staff who were not paid wages for the period of work stoppage came out with any representation that he did not indulge in work stoppage

and the non-payment was justified and there can be no industrial dispute with regard to payment of ex-gratia. Further, it is neither permissible nor advisable for the Petitioner union to oppose the conditions imposed for grant of ex-gratia was purely on the violation of management and therefore, it was open to the Respondent/Management to impose conditions for payment. With regard to temporary staff they are not governed by the Bipartite Settlement and revising was not incumbent on the part of Respondent to give retrospective operation. Hence, for all these reasons, the Respondent/Bank prays to reject the claim of the Petitioner union.

5. Under these circumstances, the points for my consideration are :

1. "Whether the demand of the Union for redesignating of employees entrusted with minor supervisory duties as special assistant with special allowance as in the nationalised bank and other private banks and creation of Special Assistant post at the ratio of 10 : 1 is justified or not ? If so, to what relief are the workmen entitled ?
2. Whether the demand of the union for payment of cash peon allowance for subordinate staff performing cash duties is justified or not ? If so, what relief are the workmen concerned entitled to ?
3. Whether the demand of the union for including NIIT for being eligible to draw the incentive for undergoing computer education is justified ? If so, what relief are concerned workmen entitled to ?
4. Whether the demand of the union for restoration of pay and allowance to the award staff attached to Head Office on 31-8-94 and 1-9-94 is justified ? If so, what relief are the workmen entitled to ?
5. Whether the action of the management of M/s. Bharat Overseas Bank Ltd. in declining special casual leave to office bearers and executive committee members and recovering pay and allowance for availing special leave for attending union meeting is legal and justified ? If not, to what relief are the workmen entitled ?
6. Whether the action of the management of Bharat Overseas Bank Ltd., in withholding ex-gratia amount payable to some workmen is legal and justified ? If not, to what relief are the workmen entitled ?
7. Whether the action of the management in denying arrears due to the temporary staff on account of recent wage Bipartite Settlement is legal and justified ? If not, to what relief are the workmen entitled ?
8. Whether the demand of the union for revising the special allowance paid to employees performing minor supervisory duties is legal and justified ? If so, to what relief are the workmen entitled ?

9. Whether the action of the management in withdrawing the HRA and PF on special allowance paid to employees performing minor supervisory duties is legal and justified ?
10. Whether the action of the management in withdrawing of ex-gratia paid to part time sweeper for 1993-94 is justified ? If not, to what relief are the workmen entitled ?
11. To what relief the concerned workmen are entitled ?”

Point Nos. 1 to 10 :

Out of the thirteen demands, the 5th demand has already been decided and the matter is pending before the High Court in Writ Petition. With regard to 7th and 8th demands, they are not pressed by the Petitioner Union, since they were settled. Remaining ten demands only are pending before this Tribunal for adjudication.

6. At the first instance, the Respondent contended that the person who has signed the Claim Statement namely Mr. Jayakaran Daniel, who is purporting to be the General Secretary of the Petitioner Union actually was not the General Secretary at that time. It is stated that Mr. Jayakaran Daniel was elected as the General Secretary of the Petitioner Union in general council meeting held on 14-8-94 and as per the bye-laws of the Petitioner union, the members of the Executive Committee including the office bearers can hold the office only for thirty months or until replaced by those elected in the general council meeting whichever is earlier. The maximum period of 36 months between the two general council meeting had expired even by 1997 and therefore, the office bearers who were elected on 14-8-94 including Mr. Jayakaran Daniel must be deemed to have vacated their office and therefore, the Claim Statement verified by him cannot be taken cognisance or acted upon by this Tribunal. Secondly, the Respondent contended that it is not proved before this Tribunal that a substantial section of workmen of Respondent/Bank met, acted together and decided to raise this industrial dispute. Accordingly, it is not a valid industrial dispute and in the absence of valid industrial dispute, the order of reference itself is bad in law. Learned counsel for the Respondent relied on the rulings reported in 1973 II LLJ 341 The management of Madurai Mills Company Ltd. Vs. Presiding Officer, Industrial Tribunal, Madras and others wherein the Madras High Court has held that “Section 2k contemplates not only a dispute or difference connected with the employment or non-employment but also disputes and differences connected with the terms of employment or the conditions of labour. Only if the dispute is connected with or arises out of discharge or dismissal retrenchment or termination, then the dispute would be an individual dispute notwithstanding the fact that no other workman nor any union of workmen is a party to the dispute. But, if the dispute relates to any of the matters contemplated by Section 2k,

then the parties to the dispute should have a direct or substantial interest. In other words, the persons who seek to support the cause of the concerned workmen must themselves be directly or substantially interested in the dispute and such persons should be considerable or substantial in number. Therefore such dispute should satisfy the requirement that it has been sponsored by a substantial number of workmen of the company.” The next decision relied on by the learned counsel for the Respondent is reported in 1957 II LLN 1 Newspapers Ltd. Vs. Industrial Tribunal, U.P. and others wherein the Supreme Court has held that “in spite of the fact that the making of a reference by the Govt. under the Industrial Disputes Act is the exercise of its administrative powers that is not destructive of the rights of an aggrieved party to show that what was referred was not an industrial dispute at all and therefore, the jurisdiction of the Industrial Tribunal to make the award can be questioned even though the factual existence of a dispute may not be subject to a party's challenge.” Relying on these decisions, learned counsel for the Respondent contended that in this case, what has been referred to this Tribunal is not a valid industrial dispute, since the petitioner has not established that a substantial section of workmen of Respondent/Bank met, acted together and decided to raise this industrial dispute and secondly the person who has signed the Claim Statement was not acted as General Secretary on the date of raising of the dispute.

7. But, as against this, learned counsel for the Petitioner contended that though the Respondent has raised this stand in the Counter Statement, they have not raised this objection before the conciliation officer because admittedly, Mr. Jayakaran Daniel was the General Secretary of the Petitioner Union when the dispute was raised in the year 1994. Further, the term of the entire Executive Committee including that of the General Secretary was to hold the office till the conclusion of next general council and such general councils were duly convened and held on 16-4-2000 and 9-11-2003 and in that Mr. Jayakaran Daniel was duly elected as General Secretary of the Petitioner Union. Further, it is not the case of the Respondent/Bank that majority of the employees or award staff have written to the Respondent/Bank that they have not authorised the union to raise or pursue this industrial dispute. The General Secretary was examined as WW1 and he has clearly stated that the Petitioner union is the only union in the Respondent/Bank and it represents the majority employees of the Respondent/Bank. This fact has not been contradicted by the Respondent/management. Further the Respondent/Bank has also custodian of check off facility to the Petitioner union. If really, the Petitioner union was not in existence at the time of raising of this dispute, this facility would not have been extended to them. Further, the General Secretary WW1 has produced necessary documents to establish that he continues to be the General

Secretary of the union and a resolution was passed authorising him to raise this industrial dispute and in his evidence, he has clearly stated that as per the bye-law of the union the Executive Committee has power to pass resolution on behalf of the members and to raise any issue concerning the welfare of the Staff members of the union. He further stated that the entire demands which have been raised in this dispute had the approval of the Executive Committee meeting of the union, which had resolved to raise this dispute and hence, the same was raised and in the Executive Committee meeting held on 12-4-98 it was unanimously resolved to continue the term of office of the Executive Committee members and office bearers of the Petitioner union till the conclusion of the 11th General Council. At that time, he was the General Secretary and he continues to be General Secretary of the petitioner union and in the general council meeting held on 16-4-2000 and 9-11-2004 he was unanimously elected as General Secretary and this fact has not been contradicted by the Respondent/Bank with any proof and he has produced documents namely minutes of the Executive Committee meeting. Under such circumstances, the contentions raised by the Respondent/management in this regard are futile. I find much force in the contention of the learned counsel for the Petitioner.

8. Further, the learned counsel for the Petitioner relied on the rulings reported in 2005 SCC (L&S) 377 J.H. Jadhav *V.* Forbes Gokak Ltd. wherein the Supreme Court has held that "requirements of a dispute between employer and employee to qualify as necessity of espousal of cause by 'the union' in that circumstances, the said requirements for that qualification are (i) dispute is connected with employment or non-employment of a workman; and (ii) dispute between a single workman and his employer is sponsored or espoused by the union of workmen or a number of workmen." In that circumstances, 'the union' merely indicates the union to which the employee belongs even though it may be a union of a minority of employees in the establishment or the union of another establishment belonging to the same industry and in the latter case, it would be open to that union to take up the cause of workmen if it is sufficiently representative of those workmen." Under such circumstances, the citation relied on by the counsel for the Respondent is no longer a good law. I find much force in the contention of the learned counsel for the Petitioner and therefore, I find this dispute is maintainable before this Tribunal.

9. Out of the remaining 10 demands, demand Nos. 1, 11 and 12 are relating to redesignation of employees entrusted with minor supervisory duties as special assistants and creation of posts of special assistants, upward revision of special allowance as per subsequent Bipartite Settlement and the continuation of other attendant benefits namely PF and HRA on special allowance relate to

employees performing minor supervisory duties, therefore, they are taken together.

10. According to the Petitioner, in the Respondent/Bank clerical staff at identified branches are discharging minor supervisory duties which are by nature and duties are similar to those of special assistants in other banks. Therefore, the Respondent/Bank recognising the same, had extended the monetary benefits of special allowance of Rs. 524 as provided under V Bipartite Settlement for special assistants and the Respondent/Bank also entered into a settlement dated 19-6-89 with the Petitioner union which is marked as Ex. W31 and the clause 17 of the settlement says "an employee who is entrusted with minor supervisory duties shall be eligible for Rs. 524 per month as special allowance for the period he performs the minor supervisory duties" and the annexure II to the said settlement, the list was given for duties to be performed by the employees exercising minor supervisory duties and on comparison of the list of duties performed by those staff shown in Annexure II to the settlement and the list of duties of special assistants as mentioned in Bipartite Settlement of other banks would clearly establish that the work discharged by these award staff in the Respondent/Bank is substantially same to the work discharged by the employees of any other nationalised banks/private banks as special assistants covered under Bipartite Settlement. It is the further contention of the Petitioner that on 19-6-89 settlements continued to be followed in the series of agreement entered on 13-7-90, 11-7-91 and 7-8-92 which are marked as Ex. W32, W33 and W34 respectively and year after year new branches were identified for entrusting minor supervisory duties and the seniormost clerical staff in these branches were entrusted with minor supervisory duties. In this regard, MW1 has also admitted in his cross-examination that award staff who are discharging minor supervisory duties in the bank have been paid special allowance of Rs. 524 paid to special assistants as per 5th Bipartite Settlement. Since the settlement under Ex. W31 was made during the currency of V Bipartite Settlement, the allowance of Rs. 524 which was paid to special assistants was paid to employees performing minor supervisory duties. Under such circumstances, since the employees of the Respondent/Bank are discharging the work of minor supervisory duties which is substantially identical as discharged by the special assistants as per Bipartite Settlement in other nationalised and private banks, it is but natural that they should also be redesignated as special assistants and given special allowance as revised from time to time in subsequent Bipartite Settlements.

11. But, as against this, the Respondent contended that prior to 1966 under Desai Award a provision for payment of special allowance was made for about 20 categories of employees in clerical cadre and while the employee who performs special duty for the purpose whereof special allowance was prescribed will be entitled to the same and

no employee can claim assignment of the special duty with a view to enable him to draw special allowance. In 1966 Bipartite Settlement clerical staff who were entrusted with those higher responsibilities and work of sufficient significance were classified as special assistants for whom the payment of special allowance was provided for and this special assistants were required to perform work higher than that of clerical nature but less than that of an officer and the creation of the posts of special assistant in certain banks became necessary having regard to the volume of business and the number of available officer in the branch and there was no norm or rule that the post of special assistant should exist or be created in every branch of every bank. In the Respondent/Bank, the ratio of officers to clerical cadre is 1 : 1.98 as against the ratio of 1 : 3 prevailing in the banking industry. As the branches of the Respondent/Bank are manned by adequate number of officers, there was no need to create the post of special assistants in the Respondent/Bank as is prevalent in certain other banks including nationalised banks. Further, special allowance is commensurate with the nature of work performed and the responsibilities involved. The minor supervisory duties performed by clerical staff in the Respondent/Bank are totally different from the nature of duties prescribed for special assistants by the industry-wise award or settlements. The settlement dated 19-6-89 reached between the Petitioner union and the Respondent is still in force and it has not been terminated by either of the parties. In any event, it is for the Respondent/Bank to decide about the allocation of duties among the award staff whether they be clerical staff or subordinate staff and it is neither permissible nor open to the Petitioner union or any workman to interfere in the matter of allocation of duties solely with a view to enable any workman to become eligible for the payment of special allowance. Therefore, the demand for special allowance and also redesignation of the post of the staff who are performing minor supervisory duties as special assistants is not permissible. The Respondent further contended that the nature of duties are different on the passing of powers given to employees discharging minor supervisory duties and employees discharging duties as special assistants under various Bipartite Settlement and therefore, the Petitioner cannot contend that they can be equated to the special assistants mentioned in the Bipartite Settlement.

12. But, again the learned counsel for the Petitioner contended that even in the Bipartite Settlement itself it is provided to limit the passing power of such employees discharging the work of special assistants depending upon the requirements of the bank. Therefore, passing powers given to the employees who are discharging minor supervisory duties and employees who are discharging the work of special assistants under Bipartite Settlement cannot be a hindrance to say that they are different and there cannot be any difference in the work discharged by

the employees who are discharging minor supervisory duties of Respondent/Bank and special assistants in other nationalised banks and the passing powers are determined by individual banks and it cannot be said that they are doing lesser work than the special assistants mentioned in the Bipartite Settlement. Learned counsel for the Petitioner further contended that clause 5.7 of Bipartite Settlement dated 19-10-1996 clearly states that special allowance will be payable for all or any of the duties listed in the annexure, therefore, special allowance is paid even for doing all or any part of the list of duties codified for the purpose.

13. I find much force in the contention of the learned counsel for the petitioner because even though the Petitioner has stated that the nature of duties of the employees who are doing minor supervisory duties and the special Assistants mentioned in Bipartite Settlement are different, it is only of the passing of powers given to the said employees and therefore, I find there is no substance in the contention of the learned counsel for the Respondent that the Petitioner union is not entitled to claim nomenclature change. It is also clear from the contention of the Petitioner that in the discussion held during April and May, 1994 this demand of the Petitioner union was conceded by the committee constituted by the Respondent/Bank and further the minutes were recorded and they also confirmed but subsequently, since it was not signed, it was not given effect to. Under such circumstances, I find the redesignation of the employees who are doing minor supervisory duties be reclassified or redesignated as special assistants is a valid contention.

14. Learned counsel for the Petitioner further contended that the Petitioner union demanded the ratio of 10 : 1 namely for every ten clerks one employee should be redesignated as special assistant to be fixed, which will only be in consonance with prevailing conditions adopted in other banks and this is in conformity with justice and fair play. But, on the other hand, learned counsel for the Respondent contended that the Respondent/Bank had never agreed for creation of special assistants posts in the ratio of 10 : 1 or it agreed to pay special allowance as per the Bipartite Settlement with attendant benefits like PF and HRA or to frame a scheme for creation of posts of special assistants. The need to have the post of special assistant is left to the discretion of the bank and the Respondent/Bank cannot be compelled to create the post of special assistant solely with a view to enable 10% of clerical staff to derive the benefit of special allowance.

15. In this case, though the Petitioner alleged that though they are entitled to demand ratio of 10 : 1 which is inconsonance with the prevailing conditions, they have not established as to how they are entitled for ratio of 10 : 1 and further, they cannot compel the Respondent/Management to raise the strength of staff of special assistants 10 : 1. Under such circumstances, I am not

inclined to hold that the ratio for the post of special assistants should be of 10 : 1 namely among every ten clerks one has to be redesignated as special assistant.

16. With regard to the demand namely revising of special allowance paid to employees performing minor supervisory duties, the union demanded to create at least one post of special assistant, whenever 10 posts of clerical staff and even though in the Respondent/Bank the post of special assistant as such has not been created, but as per the settlement dated 19-6-89 with the Petitioner union, all those clerical staff who are entrusted with the work of performing minor supervisory duties were being paid special allowance of Rs. 524 per month which was the terms agreed to under 5th Bipartite Settlement at the industry level being paid to the special assistants. After signing the 6th Bipartite Settlement also the special assistants are entitled to get special allowance of Rs. 629 for performing the same duties mentioned in the annexure. But, however, this amount is not being paid to the employees of the Respondent/Bank and they are continued to get Rs. 524 alone for performing minor supervisory duties. This demand was also conceded by the Respondent/Bank during April-May, 1994 discussion and it was also recorded in the minutes of discussion.

17. But, as against this, learned counsel for the Respondent contended that minor supervisory duties which some clerical staff required to perform and the rate of special allowance payable to them are governed by a settlement dated 19-6-89. As the settlement is in force and it has not been terminated by either of the parties, there has been no change in circumstances to alter the norms for payment of special allowance to the subordinate staff and therefore, it is not permissible for the Petitioner union to interfere in the matter of allocation of duties solely with a view to enable any workman to become eligible for the payment of special allowance and hence, this demand cannot be conceded by the Respondent/Bank. Further, though it is alleged that in the discussion held during April-May, 1994 the Respondent/Bank has conceded, since the minutes have not been signed, it cannot be enforced as there was no valid settlement. Under such circumstances, the Petitioner union cannot take advantage of the situation and requested this Tribunal to pass an award in their favour and it is wholly unjustified for the Petitioner to demand before this Tribunal.

18. Though I find some force in the contention of the learned counsel for the Respondent, on going through the records and in the facts and circumstances of the case, I find there is no substance in his contention because this special allowance to the staff who are entrusted with minor supervisory duties was given when the 5th Bipartite Settlement was in force and the special allowance of Rs. 524 was given to the employees who are entrusted with minor supervisory duties as that of special assistants who

are doing the work as per annexure mentioned in the 5th Bipartite Settlement. Subsequently, 6th and 7th and recently 8th Bipartite Settlement were entered into between the employers of nationalised banks/private banks with the employees and this special allowance has been periodically increased in the Bipartite Settlement. Under such circumstances, I find the Petitioner union's demand is justified in claiming that special allowance should be increased for the employees who are doing minor supervisory duties.

19. The next issue to be decided is whether withdrawing of HRA & PF on special allowance paid to employees who perform minor supervisory duties is legal and justified ?

20. According to the Respondent while Bipartite Settlements dealing with the payment of special allowance to clerical employees designated as special assistants provide for payment of HRA on special allowance, the settlement made in the year 1989 between the Petitioner union and the Respondent dealing with payment of special allowance to clerical staff performing minor supervisory duties in the Respondent/Bank did not envisage such indirect payments. It is not permissible for the Petitioner union to seek revision of rate of special allowance as the grievance was made only with regard to withdrawal of PF and HRA on the special allowance from May, 1995. It is the further contention of the Respondent that minor supervisory duties for which payment of special allowance has been agreed to by the Respondent/Bank are different from the supervisory duties dealt with in Bipartite Settlement for payment of special allowance to special assistants. According to the Respondent, clerical staff who are performing minor supervisory duties in the Respondent/Bank cannot be equated with the clerical staff who are designated as special assistants in the banks which are governed by Bipartite Settlement on the issue of payment of special allowance. It is the further contention of the Respondent that only in the year 1995, the mistake committed by the Respondent/Bank has been pointed out. The PF & HRA was paid on special allowance to clerical staff who are required to perform minor supervisory duties. When the mistake came to the notice of Respondent/Bank the anomaly was set right by ordering forthwith the stoppage of payment of PF & HRA on special allowance payable to clerical staff who are required to do minor supervisory duties and there was no question of a right having accrued in favour of clerical staff for payment of PF & HRA on the special allowance payable to them.

21. Even here I find some force in the contention of the learned counsel for the Respondent, on seeing this matter with regard to other relevant issues, I find this contention of the learned counsel for the Respondent cannot be upheld. Further, from the year 1989 to 1995, the Respondent/Bank has given PF & HRA on special

allowance and only in the year 1995 during the Chairmanship of Mr. Srinivasan, it was withdrawn and though it was contended that the agreement in the year 1989 has not been envisaged with regard to payment of PF & HRA on special allowance, since it was given for a long number of years, it cannot be done by the Respondent/Bank without giving any notice. Under such circumstances, I find this issue also in favour of the Petitioner union. Therefore, as far as demand Nos. 1, 11 and 12, except with regard to ratio, these are decided in favour of the Petitioner Union.

22. The next demand [demand No. 2] to be decided in this case is regarding the payment of cash peon allowance for subordinate staff performing cash duties is justified or not ?

23. This cash peon allowance, according to the Petitioner, is being paid where there are more than three messengers. But the Petitioner union demanded that whenever there are more than one messenger/peon working in any branch, at least one of them could be paid this cash peon allowance because one of them invariably attends the duty of cash and this is the practice prevailing in other banks and this is also agreed to under the Bipartite Settlement which specifies the nature of duties to be performed by the sub-staff. Learned counsel for the Petitioner contended that if there are two peons, the first peon is paid an allowance called daftary allowance and the 2nd peon though discharges duties of cash peon, he is deprived of the cash peon allowance, because three peons are not there as per the contention of the Respondent. As per Ex. W 77 which is an extract of duty performed by peons employed in various branches and MW1 has admitted that branches where there are two messengers cash peon allowance will be given to the employees who discharge the work of cash, and for this, the Respondent/Bank relied upon the circular of the year 1978 wherein it is stated that in any branch there are upto five messengers only they will be extending the benefit of cash peon allowance. It is admitted by MW1 that volume of work in the Respondent/Bank from the year 1978 till date have increased by several times. Therefore, the Respondent/Bank cannot be relied on the same circular to deny the cash peon allowance to subordinate staff who are performing the work of cash peon.

24. But, as against this the Respondent contended that the demand of the union is to the effect that irrespective of the fact whether the workman is discharging the cash or not they are entitled to cash peon allowance is not at all correct and therefore, the circular of the year 1978 holds good and they cannot claim cash peon allowance even when there are only two peons.

25. But, on the other hand, the learned counsel for the Petitioner contended that their demand is justified because even in all Bipartite Settlements the allowance of

cash peon was extended to peons who are discharging the cash peon work and as per 7th Bipartite Settlement the cash peon allowance extended is Rs. 178 and under 8th Bipartite Settlement it was Rs. 255.

26. But, the learned counsel for the Respondent contended that in the year 1978 an agreement was concluded between the Respondent/Bank and the Petitioner union in the matter of fixation of norms for giving special allowance. According to the agreement the branches having three sub-staff, daftary allowance is payable to one messenger and branches having not more than five messengers, the daftary allowance for one messenger and cash peon allowance for one messenger and finally the branches having more than five messengers, Head Peon allowance for one messenger, daftary allowance for one messenger and cash peon allowance for one messenger was agreed to. Since then there has been no change in the circumstances to alter the norms for payment of special allowance to subordinate staff and hence the Petitioner union cannot interfere in the matter of allocation of duties solely with a view to enable any workman to become eligible for payment of special allowance. And therefore, this demand of the Petitioner union is not legal and justified and cannot be given to the Petitioner Union.

27. But, I find there is no point in the contention of the learned counsel for the Respondent because this agreement said to have been entered into between the parties in the year 1978. It is admitted by MW1 that the work load of the bank has been increased several times during this period. Under such circumstances the norms have been fixed in the year 1978 and Respondent/Bank branch which has only two sub-staff is not entitled to cash allowance even though they were handling heavy cash of Respondent/Bank. Under such circumstances, I find the contention of the Petitioner union is reasonable and justified and therefore, I agree with the contention of the learned counsel for the Petitioner that in all branches, where there are more than one messenger, the second messenger who is discharging the cash work should be paid cash peon allowance as per the Bipartite Settlement entered into by the nationalised banks/private banks.

28. The next demand to be decided in this case is 'whether the demand of the Petitioner union for including NIIT for being eligible to draw the incentive for undergoing computer education is justified ?

29. With regard to this issue the learned counsel for the Petitioner contended that the Respondent/Bank issued a circular dated 31-3-1990 for being eligible to receive one time incentive of Rs. 500 for undergoing computer education. The Petitioner union demanded that employees who have completed the computer education at NIIT should also be entitled to one time honorarium of Rs. 500 as given for completing a computer course in various other listed institutions under the circular.

30. But, as against this, learned counsel for the Respondent contended that for implementing the scheme of computerisation the Respondent/Management entered into an arrangement with NIIT, a reputed computer training institute which has agreed to conduct training programme for the staff members of the Respondent/Bank for a consolidated fee of Rs. 3500 and the bank also given advance of interest free loan of Rs. 1000 to staff members who are interested in undergoing training and therefore, the demand made by the Petitioner union that staff members who completed any training in NIIT should be paid a separate honorarium of Rs. 500 is wholly unjustified because when once they complete the training, they will be paid special allowance for computer operation as and when they are required to do computer operation.

31. But, again the learned counsel for the Petitioner contended that subsequent introduction of a new scheme with NIIT for imparting training has got nothing to do with this demand of the Petitioner and the Respondent/Bank is trying to confuse both the evidence let in by WW1 before this Tribunal. It is only the Petitioner's request that circular of bank notifying the eligible institution to draw incentive stands still now and the demand is only to conclude NIIT also in the list. The denial of one time honorarium to employees who have undergone the course in NIIT is thoroughly unjustified.

32. Here again, I find much force in the contention of the learned counsel for the Petitioner because the demand of the Petitioner is different from the subsequent introduction of new scheme with NIIT. No doubt, the Respondent/Bank to impart training to the staff of Respondent/Bank, but, only because the Respondent/Bank has given incentive, it cannot be said that previous circular dated 31-3-90 which was issued for eligible staff to receive one time incentive cannot be held as not valid. The request of the Petitioner is to include NIIT institution also in the notified institution under the circular dated 31-3-90. It is admitted that since the NIIT is a reputed institution, I find this institution is also to be included in the list of institutions. Under such circumstances, I find this demand also in favour of the Petitioner union.

33. The next demand of the Petitioner union (No. 4) in this case is 'whether the demand of the union for restoration of pay and allowances to the award staff attached to the Head Office on 31-8-94 and 1-9-94 is justified'?

34. It is admitted in this case that the Respondent/Bank has effected deduction of wages on 31-8-94 for half an hour and also deducted the wage for half-a-day on 1-9-94 to all the staff working in Head Office of the Respondent/Bank and this deduction was made on the ground that the workmen attended the office have not worked and they have not attended the office for half-an-

hour on 31-8-94 and half-a-day on 1-9-94. But according to the Petitioner all the workmen had reported for work on the respective days and discharged their full work and it is also not the case of the Respondent/Bank that there was disruption of work which had resulted in loss to the Respondent/Bank. The Respondent/Bank neither pleaded nor proved such a contention before this Tribunal. Under such circumstances, the burden of proving for justifying the action of deducting wages for half-an-hour on 31-8-94 and half-a-day for 1-9-94 is on the respondent, but miserably they have failed to establish this fact. Under such circumstances, the deduction of the said pay and allowances is not valid and legal.

35. As against this, the learned counsel for the Respondent contended that on 31-8-94 the Respondent transferred and posted one Mrs. Usha Srinivasan working as stenographer in the personnel department in 4th floor of Head office premises to Chief Regional Manager, Secretariat functioning in 2nd floor of the same premises and protesting against the said transfer, staff members resorted to a work stoppage from 4.30 to 5.00 pm on 31-8-94 and from 10.00 am to 1.30 pm on 1-9-94 and such of those staff members who participated in work stoppage did not earn their wages for the period of such work stoppage and therefore, the demand of the Petitioner union is wholly unsustainable and unjustifiable. It is his further contention that out of 93 award staff working in Head Office on 31-8-94 and 1-9-94, 91 award staff indulged in work stoppage and accordingly they were not paid wages for the period of work stoppage and none of the clerical staff who were not paid wages for the period of work stoppage came out with any representation that he did not indulge in work stoppage and the non-payment was not justified. In other words, the work stoppage by award staff was never in dispute and therefore, there was no question of wages for period of work stoppage.

36. But, again the learned counsel for the Petitioner contended that the contention of the Respondent/Management that individual workmen have not made any complaint and therefore, it should be presumed that they have accepted that they have not worked is merely an assumption and presumption, which has to be rejected as without any basis. Under section 2k of the I.D. Act, it is only the union which espouse the cause of the workmen i.e. the very purpose of collective dispute. The deduction of wages has been done without any enquiry and the action of the Respondent/Bank smacks of autocracy and arbitrariness. The Petitioner union is the only union representing all the award staff of the Respondent/Bank and when the matter is pending before this Tribunal challenging the deduction, it is incumbent on the part of the Respondent/Bank to establish that the deduction of wages on 31-8-94 and 1-9-94 on pro-rata basis is justified by letting evidence to that effect. It was a stage, that there was no one dare to make complaint to the Respondent

directly, such was the terror unleashed on the staff members by the Respondent and therefore, innocent staff members were systematically charge sheeted, suspended and dismissed and fear had gripped all the staff members. Under such circumstances, the Respondent without discharging their burden to justify their action of deduction cannot now contend that since there is no demand from individual workmen, their claim has to be rejected and in deducting the wages, the Respondent/Management has not followed the principles of natural justice. It is the bounden duty of the Respondent/Management to prove that each individual employee had participated in the abstention of work. The Respondent has also not produced any material to show that those workmen have not worked on that date. Learned counsel for the Petitioner further relied on the rulings reported in 1980 ILLJ 137 GUJARAT STEEL TUBES LTD. Vs. GUJARAT STEEL TUBES MAZDOOR SABHA wherein workmen of the appellant employer went on a total strike and it resulted in the management terminating wholesale services of workmen, in which the Supreme Court has held that "the action taken under the general law or the standing orders was illegal in the absence of individualised charge sheets, proper hearing and personalised punishment, if found guilty and none of these steps having been taken and therefore, it is not valid and therefore, illegally deducted wages is to be restored to employee of Petitioner union with interest."

37. But, again learned counsel for the Respondent contended that under the general law reported in 1982 II LLN 319 VIKRAM TAMASKAR AND OTHERS Vs. STEEL AUTHORITY OF INDIA LTD. wherein the High Court of Madhya Pradesh has held that "under general law, the performance of service in accordance with the contract of employment is a condition precedent for earning the remuneration or salary. If an employee absents from work without just cause or excuse, he commits a breach of terms of contract. A refusal to obey a lawful order or a refusal to serve the employer faithfully by working to rule, or interpreting lawful orders in an unreasonable way, both amount to breach of contract. Under such circumstances, the legal position that the employee forfeits remuneration not only when he absents from duty but also when he wilfully does not discharge his duty. If the Petitioners deliberately and in a concerted move merely attended the site or palace of work during the periods in dispute and did not work at all to coerce the Respondent to agree to their demands, they were not entitled to salaries for those periods as they were guilty of breach of contract." Learned counsel for the Respondent contended that in this case though the Petitioner contended that only some of the members of the union have given representation to the management except the ipse dixit of WW1 and WW2 there is no satisfactory evidence that salary was deducted from the staff members who have been worked during that period. Even before this Tribunal, no staff members, who have been deducted

with salary, have come to witness box to say that even though they have worked on those days, their salary were deducted. Under such circumstances, the demand made by the Petitioner union is not legal and they are not entitled to salary for the said period.

38. I find much force in the contention of the learned counsel for the Respondent because though the Petitioner alleged that they have not participated in work stoppage during that period and only some of the members of union have given representation to the Respondent/Management with regard to transfer of the lady staff, it is not established before this Tribunal that all the members except the office bearers of the union have worked during those period. Under such circumstances, I find the demand of the Petitioner Union for restoration of pay and allowance is not valid and hence, I find this demand against the Petitioner.

39. The next demand to be decided in this case is (No. 6) whether the action of the Respondent/Bank in declining special casual leave to office bearers and executive committee members and recovering pay and allowance for availing special leave for attending union meeting is legal and justified ?

40. Learned counsel for the Petitioner contended that this grant of special casual leave to office bearers was based both on Bipartite Settlement as well as internal circular recognising the right of the office bearers to entitlement of special casual leave for attending meetings and conference of the union. The Petitioner Union has filed Ex. W50 which is an extract of 6th Bipartite Settlement regarding special casual leave to office bearers of the union. It clearly states that special casual leave will be allowed to certain employees for attending meeting, conference of trade union of bank employees and this has become part of service conditions which was extended to Petitioner union by their letter dated 19-4-79, copy of which is marked as Ex. W51, which clearly stated that Executive Committee members and office bearers of All India Bharat Overseas Bank Employees Union are entitled to special casual leave for attending the meeting and conference of the union. Under the original of Ex. W53 it is clearly stated that 21 days special leave is extended to Mr. Jayakaran Daniel to discharge his duties as an executive committee member of all India organisation. Under such circumstances, when the General Secretary had applied for special casual leave for 16th & 17th November, 1995 under the original of Ex. W54, the Respondent/Bank has declined to sanction the special casual leave to him for 16th & 17th November, 1995. They have not only declined the leave but also deducted wages in respect of these two days. Further, the special casual leave applied by him on 7-5-96 and 9-5-96 was declined which would be evident from Ex. W56. In that it is clearly stated that General Secretary of the Petitioner Union is not entitled to special casual leave and it further stated that three days will be

treated as unauthorised absence without pay not counting for service/increment. Thus, it is clear that the Respondent/Bank has unilaterally withdrawn the facility extended to the union contrary to the existing practice. Learned counsel for the Petitioner further relied on the rulings reported in 1981 ILLJ 1 wherein the Supreme Court has held that "benefit extended pursuant to settlement cannot be unilaterally withdrawn even though settlement had expired." Therefore, the denial of special casual leave to General Secretary is not legal and justified. Similarly, special casual leave applied by one Mr. Rajendra Kumar, Assistant General Secretary of Punjab Region was not extended this benefit is also without any basis.

41. But, as against this, learned counsel for the Respondent contended that Bipartite Settlement dated 19-10-1966 envisages grant of special casual leave to certain employees for attending meetings and conferences of trade union of bank employees operating at national level and this was meant only for general meetings and conferences of trade union and federation of all India character. In this case, the grant of special casual leave was applied by an employee said to be an office bearer of the trade union for attending a domestic enquiry and in another case for grant of leave to an employee who was not an office bearer in a trade union of all India character for the purpose other than those set out in the settlement dated 19-10-66. Therefore, in order to avail special casual leave, the concerned employee should be an office bearer of all India character and it is granted only for attending conferences of trade union of bank employees. The expression meeting and conferences would mean either Annual General Meeting or Committee Meeting or conferences organised by All India Unions. Mr. Rajendra Kumar who was only Assistant General Secretary of the Petitioner union applied for special casual leave for the purpose other than those set out in Bipartite Settlement. The office bearers of Petitioner union are not entitled to privilege provided in clause 13.39, unless they are office bearers of any All India Unions. The Petitioner union is not a union representing workmen of various banks on all India basis. The other grievance is that denial of leave to Mr. Jayakaran Daniel who was a committee member of national confederation of bank employees for defending a charge sheeted employee in a domestic enquiry. The Bipartite Settlement does not envisage grant of special leave for that contingency. Therefore, the grievance of the Petitioner cannot be upheld and it has to be rejected. It is further contended by the learned counsel for the Respondent that though WW1 has alleged that he is the member of All India Bank Federation, no prior sanction was obtained by WW1 to attend the federation meeting and therefore, he is not entitled for the special leave. It is further contended that in one case, he has applied for leave for attending enquiry at Gorakhpur and in another case, he has applied leave after he availed the leave.

42. But, though I find some point in the contention of the learned counsel for the Respondent that for 17th November, 1995, he has attended enquiry at Gorakhpur, he is not entitled to special casual leave, since the special leave is to be sanctioned only for attending the meeting and conferences of trade union of bank employees, with regard to application of his leave for 7-5-96 to 9-5-96, it cannot be said that he is not entitled for the leave because even in the letter dated 13-10-1987 it is mentioned that WW1 as Executive Committee Member is entitled for special casual leave. Further, it is admitted that he is the Member of Central Committee of National Confederation of Bank Employees; National Executive Committee of National Confederation of Bank Employees; Negotiation Committee of National Confederation of Bank Employees and Vice President of National Confederation of Bank Employees and Organising Secretary of National Confederation of Bank Employees. Under such circumstances, I find the deduction made for the leave period of 7-5-96 to 9-5-96 is not valid in law and Mr. Jayakaran Daniel is entitled for pay & allowances for that period. With regard to other person Mr. Rajendra Kumar with regard to his entitlement for special leave, I find the request of the Petitioner union is not valid.

43. The next demand to be decided in this case is whether the action of the Respondent/Bank in withholding ex-gratia amount payable to workmen is legal and justified?

44. Learned counsel for the Petitioner contended that payment of ex-gratia was introduced by the Respondent/Bank during the year 1989-90 and the same was continued till date and it was paid to employees in lieu of bonus. Under Ex. W61 it is established that ex-gratia was extended to all members of staff who are not eligible for bonus. It is paid to all employees who have come out of the purview of Payment of Bonus Act as a reward for promoting the welfare and increasing the productivity of the bank. From Ex. W60 to W70 it is clear that upto 1993-94, ex-gratia was paid to all the employees of award staff employed under Respondent/Bank without any bar or precondition. But, in the year 1995 without any justification, they have denied the same to certain employees for reasons not even revealed. The Petitioner has produced a list in which it is given the names of members of the Petitioner union to whom it was denied and therefore, the Respondent/Bank cannot unilaterally stop the same to certain employees on irrelevant and extraneous consideration which are not the part of record. It is also contended on behalf of the Petitioner that under Ex. W68 the condition which states that ex-gratia can be denied to staff members who have caused monetary loss to the bank and on whose recommendation/reference/introduction, loans and advances have been granted and such loan/advance is still outstanding as NPA, who have availed of loans/advances in benami names, who are facing or

undergoing disciplinary proceedings are not entitled to ex-gratia amount. The witness who was examined on behalf of the Respondent/Management namely MW1 has admitted that he is not aware of the fact as to whether ex-gratia was not paid to employees, whose names found in the list submitted before this Tribunal. He also stated that he does not know whether notices were given to those employees or any reason was given before stopping the ex-gratia amount. Therefore, before this Tribunal, the Respondent/Bank has not established for what reason ex-gratia was not paid to those employees and hence, non-payment of ex-gratia to those employees is wholly unjustifiable and without any basis. Further, Respondent/Bank has not adduced any evidence that for those persons some dues were pending or for what reason they have not given ex-gratia to them. Under such circumstances, the denial of ex-gratia to the said persons is unjustifiable.

45. On the other hand, learned counsel for the Respondent contended that with regard to payment of ex-gratia, no workman can claim it as a matter of right nor Petitioner Union can seek for alternation of conditions for payment of ex-gratia. In any event, payment of ex-gratia is ordered only by the Board of Directors of the Respondent/Bank and it is open to the Respondent/Bank to lay down conditions for payment of such ex-gratia and it is neither permissible nor advisable for the Petitioner union to oppose the conditions imposed for grant of ex-gratia and the workmen will have to accept ex-gratia, subject to the conditions attached to it and it is not permissible for them as a matter of right or as a matter of course. The Respondent/Management has produced Ex. M2 to M7 which are copies of circulars for the years 1990, 1991, 1992, 1993, 1994 and 1995, wherein it is clearly stated that who are the persons entitled for ex-gratia and it is open to the Respondent/Bank to lay down conditions for payment of ex-gratia. In this case, the persons who were not paid ex-gratia have not come before this Court to say that even though they have not come under any of the conditions mentioned in the circulars, they have not been paid ex-gratia. Under such circumstances, since it is not a matter of right to claim ex-gratia and since the Respondent/Bank is entitled to impose conditions for payment of ex-gratia, it cannot be questioned by the Petitioner union.

46. But, I find there is no point in the contention of the learned counsel for the Respondent because they have not produced any document to show what are all the reasons for not paying ex-gratia to the persons mentioned in the list produced by the Petitioner union. Though they have tried to impose conditions, it is not established before this Tribunal that since the members of Petitioner union have breached the conditions, they have not been paid ex-gratia. Under such circumstances, I find the members of the Petitioner union as per the list are entitled to ex-gratia as contended by the Petitioner Union.

47. The next demand of the Petitioner union in this case is 'Whether the Respondent/Management in denying wage arrears due to the temporary staff on account of wages revised as per Bipartite Settlement is justified ?

48. On behalf of the Petitioner it is contended that as per Bipartite Settlement temporary employees were paid wages based on equal pay for equal work and it is also admitted that Bipartite Settlement is implemented with retrospective effect and the workmen on permanent basis were paid arrears of salary and allowance. However, the Respondent/Bank even though enforced 6th Bipartite Settlement on 16-2-1995 the benefit of settlement was given with retrospective effect from 1-11-1992, but this benefit was not given to temporary staff and they have not given any reason as to why they have denied these benefits to temporary employees and this practice is also contrary to existing practice, which is universally followed by all who are signatories to settlement. Further, the 7th Bipartite Settlement have extended the benefits with retrospective effect, whereas the Respondent/Bank has made an exception only in the case of 6th Bipartite Settlement.

49. But, as against this, it was contended on behalf of the Respondent that temporary sub-staff were engaged to meet the absenteeism of regular sub-staff and the wages of temporary sub-staff were also used to be revised from the month following the one in which the settlement was concluded and such revision was not given retrospective operation. The 6th Bipartite Settlement signed on 14-2-1995 and it was revised from March, 1995 to temporary sub-staff and therefore, Bipartite Settlement which was given effect to from 1-11-1992 would not entitle the temporary sub-staff to the revised rate of wages from the date of settlement, which was given effect to regular workmen, since they are not governed by Bipartite Settlement. When the temporary sub-staff have no claim for employment at all, it cannot be said that they can make claim for retrospective effect for revision of wages payable to them, therefore, this demand is misconceived.

50. But, here again, I find there is no point in the contention of the learned counsel for the Respondent because except this time in all the times, when the Bipartite Settlement have been entered into, temporary sub-staff were also given wages with retrospective effect.

51. Learned counsel for the Petitioner contended that this unfortunate incident took place during the incumbency of the infamous Chairman and only to victimize the members of the union, this was effected. It is established that in all the Bipartite Settlement except the 6th Bipartite Settlement the workmen were given the benefits of retrospective and retrospective revision and arrears were paid as given to the permanent employees. Therefore, I find the Respondent/Bank cannot deny the same only in the case of 6th Bipartite Settlement without any justification for the same. Therefore, I find this demand in favour of the Petitioner.

52. The last demand [No. 13] to be decided in this case is 'Whether the action of the Respondent/Management in withdrawing of ex-gratia paid to part time sweepers for 1993-94 is justified ?

53. It is contended on behalf of the Petitioner that for the year 1993-94, sub-staff were paid Rs. 2000 as ex-gratia, copy of the circular is marked as Ex. W69 and it is also an admitted fact that permanent part time employees form part of subordinate cadre. Even under clause 4.5(b) of Bipartite Settlement dated 19-10-1966, it is clearly stated that permanent part time employees form part of subordinate cadre. Therefore, the Respondent/Bank has rightly paid ex-gratia upto Rs. 2000 for the year 1993 to the permanent part time employees. But, however, for the year 1994-95 through its circular, they have reduced the ex-gratia to Rs. 1,000 to permanent part time sweepers treating them as a separate category from subordinate staff. At the same time, ex-gratia paid to subordinate staff was increased from Rs. 2,000 to Rs. 3,000 and this was reported to the Respondent/Management. But, not relishing with the representation, the Respondent/Bank reacted in such a way that in one shot the entire lumpsum of ex-gratia paid to part time employees almost 12 months before was recovered from the poor part time employees without any justification and they alleged that by mistake, ex-gratia was paid in 1993-94 and therefore, it is recovered. But, no material was placed before this Tribunal to substantiate their contention that part time employees were paid ex-gratia by mistake and even before this Tribunal, they have not given any reason for recovering the amount. The contention that ex-gratia is a discretion vested with the Respondent/Bank and they would pay according to their sweet will and pleasure and hence, non-payment of the same cannot be a subject matter of industrial dispute is of no substance. These contentions are far fetched and ill advised and therefore, the Petitioner union prays that these amounts are to be paid to part time employees.

54. But, as against this, learned counsel for the Respondent contended that during that year, the Board had decided to pay ex-gratia of Rs. 3,000 to officers, Rs. 2,500 to clerical staff and Rs. 2,000 to subordinate staff. The resolution of Board of Directors did not make any specific provision for payment of ex-gratia to part time employees. No Ex-gratia was paid to part time sweepers for the accounting year 1989-90 to 1992-93. But, without any instruction from Head Office and without knowing the terms on which the payment of ex-gratia was considered by the Board, some of the branches of Respondent/Bank paid ex-gratia to part time sweepers for the accounting year 1993-94. When once such mistaken payment came to the knowledge of Head Office of Respondent/Bank, overpayment was adjusted by way of recovery and this action of the Respondent/Bank cannot be said as unfair and illegal. Further, grant of ex-gratia is purely discretionary and it cannot form subject matter of industrial dispute and

it cannot be demanded as a matter of right or as a matter of course.

55. Though the Petitioner alleged that temporary employees are permanent part time employees namely they are part of the subordinate cadre, since the circular issued in the year 1993-94 has not mentioned anything about the payment of ex-gratia to temporary employees, it cannot be said that wrong payment or mistaken payment paid to temporary employees cannot be recovered by the Respondent/Bank. It is not established before this Tribunal that during that period temporary employees are entitled for ex-gratia for the amount alleged by them. Under such circumstances, I find the wrong or mistaken payment made by the Respondent/Bank can be recovered from the concerned employees. Under such circumstances, I find this point against the Petitioner.

Point No. 11 :

The next point to be decided in this case is to what relief the concerned employees are entitled ?

56. In view of my foregoing findings with regard to first demand of the Petitioner Union for redesignating the employees entrusting with minor supervisory duties as special assistants as in the nationalised banks is justified, but the ratio claimed by the Petitioner for special assistants as 10 : 1 is not justified. With regard to 11th demand revising the special allowance to employees performing minor supervisory duties, I find the demand of the Petitioner Union is justified. With regard to 12th demand, I find the action of the Respondent/Bank in withdrawing the HRA & PF on special allowance paid to employees performing minor supervisory duties is not legal and justified.

57. With regard to demand No. 2 of the Petitioner Union that payment of cash peon allowance for subordinate staff performing cash duties, I find the said demand is justified.

58. With regard to demand No. 3, I find the demand for including NIIT for being eligible to draw incentive for undergoing computer education is justified.

59. With regard to demand No. 4 of Petitioner Union that restoration of pay and allowance to award staff attached to Head Office on 31-8-94 and 1-9-94, I find the said demand of the union is not justified.

60. With regard to demand No. 6, I find the action of the Respondent/Bank in declining special casual leave to General Secretary of the Union alone and in recovering pay and allowance for availing special casual leave for attending union meeting is not legal and justified.

61. With regard to 9th demand of the Petitioner union, I find the members of the Petitioner union are entitled to ex-gratia as contended by the Petitioner Union.

62. With regard to 13th demand, I find the action of the Respondent/Bank in withdrawing of ex-gratia paid to part time sweepers for 1993-94 is justified.

63. Ordered accordingly. No Costs.

64. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 28th September, 2005).

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

For the I Party/
Claimant : WW1 Sri Jayakaran Daniel
WW2 Sri Ambrose C. Ravi
Kumar

For the II Party/
Management : MW1 Sri K. C. Kumar

Documents Marked :—

For the I Party/Claimant :

Ex. No.	Date	Description			
W1	30-08-96	Xerox copy of the gazette notification issued by Government of India	W20	08-11-94	Xerox copy of the strike notice issued by union
W2	30-08-96	Xerox copy of the order—terms of reference	W21	14-11-94	Xerox copy of the letter from Assistant Labour Commissioner (Central) for conciliation.
W3	07-01-87	Xerox copy of the promotion policy from Clerical cadre to Officer cadre	W22	11-01-96	Xerox copy of the circular issued by union
W4	17-06-88	Xerox copy of the promotion policy from Clerical cadre to Officer cadre	W23	13-03-96	Xerox copy of the chargesheet issued to President of union
W5	23-02-94	Xerox copy of the letter from Petitioner Union to Respondent/Management	W24	02-01-96	Xerox copy of the suspension order issued to Vice President of the union
W6	07-06-94	Xerox copy of the order for termination of promotion policies By Respondent/Management	W25	09-02-96	Xerox copy of the minutes of conciliation proceedings
W7	16-06-94	Xerox copy of the letter from Petitioner Union to Respondent	W26	15-02-96	Xerox copy of the charter of demands
W8	03-01-94	Xerox copy of the letter from union to Respondent regarding Appointment of officers.	W27	06-09-94	Xerox copy of the chargesheet issued to General Secretary
W9	Nil	Xerox copy of the advertisement given by Respondent	W28	02-08-96	Xerox copy of the notice for meeting issued by Ministry
W10	17-01-94	Xerox copy of the letter from union to Respondent regarding Appointment of Officers	W29	05-08-96	Xerox copy of the notice issued by Regional Labour Commissioner (Central)
W11	17-02-94	Xerox copy of the reply given by Respondent/Bank	W30	27-07-96	Xerox copy of the failure report of conciliation
W12	23-02-94	Xerox copy of the circular issued by union	W31	19-06-89	Xerox copy of the settlement regarding minor supervisory duties
			W32	13-07-90	Xerox copy of the agreement regarding Minor supervisory duties

W33	11-07-91	Xerox copy of the agreement regarding minor supervisory duties	W51	19-04-79	Xerox copy of the letter from Respondent to union regarding special casual leave
W34	07-08-92	Xerox copy of the agreement regarding minor supervisory duties	W52	13-10-87	Xerox copy of the letter from union to respondent regarding Co-option of J. Daniel as Executive committee member
W35	May, 1994	Xerox copy of the minutes of discussion held between Union and Respondent/Management	W53	29-10-87	Xerox copy of the letter from Respondent/Bank to union regarding extending special casual leave to Mr. Daniel
W36	21-09-94	Xerox copy of the letter from Respondent/Bank to union regarding implementation of minutes of discussion.	W54	18-11-95	Xerox copy of the letter from J. Daniel to Respondent regarding special casual leave
W37	Nil	Extract from V Bipartite Settlement regarding duties of special assistants	W55	20-12-95	Xerox copy of the letter from Respondent/Bank to J. Daniel
W38	Nil	Extract from VI Bipartite Settlement regarding duties of special assistants.	W56	11-05-96	Xerox copy of the letter from J. Daniel to Respondent/Bank
W39	Nil	Extract from V Bipartite Settlement regarding special allowance payable to special assistants	W57	21-05-96	Xerox copy of the letter from J. Daniel to Respondent/Bank regarding special casual leave.
W40	Nil	Extract from VI Bipartite Settlement regarding special allowance payable to special assistants	W58	10-04-96	Xerox copy of the letter from Rajender Kumar to Respondent/Bank requesting for special casual leave
W41	Nil	Extract from V Bipartite Settlement regarding special allowance payable	W59	08-05-96	Xerox copy of the letter from Respondent/Bank declining special casual leave to Rajender Kumar.
W42	Nil	Extract from VI Bipartite Settlement regarding special allowance payable and amount ranking for PF	W60	12-04-90	Xerox copy of the circular issued by Respondent/Bank.
W43	Nil	Extract from V Bipartite Settlement regarding HRA payable to special assistants	W61	01-06-90	Xerox copy of the circular issued by Respondent/Bank.
W44	19-05-95	Xerox copy of the circular issued by Respondent/Bank withdrawing PF & HRA on special allowance.	W62	14-06-90	Xerox copy of the circular issued by Respondent/Bank.
W45	31-07-90	Xerox copy of the letter from Respondent/Bank to one of the staff regarding special allowance	W63	17-08-90	Xerox copy of the circular issued by Respondent/Bank.
W46	Nil	Extract from Bipartite Settlement	W64	30-06-92	Xerox copy of the circular issued by Respondent/Bank.
W47	31-03-99	Xerox copy of the circular issued by Respondent/Bank regarding staff welfare scheme	W65	30-07-93	Xerox copy of the circular issued by Respondent/Bank.
W48	Nil	Xerox copy of the minutes of meeting held between Union and Respondent/Bank	W66	21-04-93	Xerox copy of the circular issued by Respondent/Bank.
W49	21-09-94	Xerox copy of the letter from Respondent/Bank to union for implementation of demands.	W67	22-06-94	Xerox copy of the circular issued by Respondent/Bank.
W50	Nil	Extract from VI Bipartite Settlement regarding special leave to office bearers of union	W68	27-05-95	Xerox copy of the circular issued by Respondent/Bank.
			W69	20-05-95	Xerox copy of the circular issued by Respondent/Bank.

W70	28-06-96	Xerox copy of the circular issued by Respondent/Bank.	M2	1-06-90	Xerox copy of the circular issued by Respondent/Bank For payment of ex-gratia to staff
W71	20-05-95	Xerox copy of the circular issued by Respondent/Bank.	M3	03-05-91	Xerox copy of the circular issued by Respondent/Bank Regarding payment of ex-gratia
W72	09-06-95	Xerox copy of the representation of A.C. Ravikumar to Respondent/Bank.	M4	30-06-92	Xerox copy of the circular issued by Respondent/Bank Regarding payment of ex-gratia
W73	17-06-95	Xerox copy of the legal notice issued to Respondent/Bank.	M5	30-07-93	Xerox copy of the circular issued by II Party/Management Regarding payment of ex-gratia
W74	27-06-95	Xerox copy of the representation of A.C. Ravikumar to Respondent/Management.	M6	22-06-94	Xerox copy of the circular issued by II Party/Management Regarding payment of ex-gratia
W75	01-06-95	Xerox copy of the letter from Respondent/Bank to Mr. A. Ravikumar, Cashier.	M7	20-05-95	Xerox copy of the circular issued by II Party/Management regarding payment of ex-gratia
W76	22-06-95	Xerox copy of the letter from Respondent/Bank to Mr. A. Ravikumar regarding demand loan outstanding.	M8	14-05-94	Xerox copy of the minutes of discussion held between Respondent and union
W77	07-02-93	Extract from minutes of national executive committee Meeting.	M9	01-06-94	Xerox copy of the circular regarding settlement of issues
W78	15-06-95	Xerox copy of the dispute raised by Petitioner union.	M10	09-08-94	Xerox copy of the letter from Petitioner union to Respondent/Bank enclosing list of office bearers
W79	14-08-94	Extract of General Secretary report regarding Relationship with Respondent/Management.	M11	23-09-94	Xerox copy of the circular regarding training programme on computer awareness
W80	07-11-94	Xerox copy of the minutes of Executive committee meeting.	M12	15-02-96	Xerox copy of the letter from Petitioner union to Respondent/Bank enclosing list of demands
W81	26-11-94	Xerox copy of the minutes of national executive committee Meeting.	M13	31-05-96	Xerox copy of the circular from IBA regarding special leave to office bearers.
W82	22-06-95	Xerox copy of the minutes of national executive committee Meeting.	M14	12-07-96	Xerox copy of the circular issued by Petitioner union Regarding strike.
W83	12-12-95	Xerox copy of the minutes of executive committee meeting.	M15	22-09-78	Xerox copy of the circular regarding special allowance
W84	12-4-98	Extract from minutes of national executive committee Meeting.	M16	07-01-87	Xerox copy of the settlement between Petitioner union & respondent regarding promotion of clerical staff
W85	Nil	Xerox copy of the list of the office bearers and members of National executive committee of Petitioner Union on 16-04-2000.	M17	07-06-94	Xerox copy of the notice issued by Respondent terminating Settlements dated 7-1-87 and 17-6-88.
W86	Nil	Xerox copy of the list of office bearers elected at 12th General Council meeting for 2003-06.	M18	08-11-94	Xerox copy of the circular regarding promotion policy.
For the II Party/Management :—					
Ex. No.	Date	Description			
M1	19-06-89	Xerox copy of the memorandum of settlement regarding Minor supervisory duties			

M19	19-09-94	Xerox copy of the circular regarding understanding reached on various issues
M20	08-11-94	Xerox copy of the strike notice issued by Petitioner union
M21	11-01-96	Xerox copy of the circular issued by Petitioner Union
M22	19-06-95	Xerox copy of the circular issued by II Party/Management Regarding payment of ex-gratia
M23	28-06-96	Xerox copy of the circular issued by Respondent/Bank Regarding payment of ex-gratia
M24	26-08-97	Xerox copy of the circular issued by Respondent/Bank Regarding payment of ex-gratia.
M25	25-06-98	Xerox copy of the circular issued by Respondent Regarding promotion policy.
M26	26-04-00	Xerox copy of the letter from Petitioner union to Respondent/Management regarding 11th General Council Meeting

नई दिल्ली, 1 मार्च, 2006

का. आ. 1156.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार करूर वैश्य बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 310/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-2-2006 को प्राप्त हुआ था।

[सं. एल-12011/11/2003-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 1st March, 2006

S.O. 1156.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (310/2004) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Karur Vysya Bank, Karur and their workman, which was received by the Central Government on 28-2-2006.

[No. L-12011/11/2003-IR (B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 20th December, 2005

PRESENT

K. Jayaraman, Presiding Officer

INDUSTRIAL DISPUTE NO. 310/2004

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Karur Vysya Bank and their workmen).

BETWEEN

The General Secretary, : I Party/Chairman
Karur Vysya Bank
Employees Union,
Bangalore.

AND

The Chairman, : II Party/Management
Karur Vysya Bank, Karur

APPEARANCE

For the Petitioner : M/s. D. Hariparanthan,
V. Ajoy Khose,
Advocates.

For the Management : M/s. T. S. Gopalan & Co.,
Advocates.

AWARD

The Central Government, Ministry of Labour vide order No. L-12011/11/2003-IR-(B-I) dated 15-01-2004 has referred this industrial dispute to this Tribunal for adjudication. The Schedule mentioned in that order is :

"Whether the entrusting of the internal work of collection/delivery of clearing instruments to an outside courier agency by the management of Karur Vysya Bank is legal and justified? If not, what relief the employees of the management are entitled to?"

2. After the receipt of the reference, it was taken on file as I. D. No. 310/2004 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner Union in the Claim Statement are briefly as follows :—

The I Party Union is a trade union registered under Trade Unions Act. Respondent/Bank is one of the scheduled banks doing banking business. It has got about

250 branches all over India in urban, semi-urban and rural areas. The payments are made mostly through negotiable instruments such as cheques, draft, pay order etc. The cheque and other instruments deposited by customers are accepted by various branch office of II Party/Management in Chennai and other areas and the same are sent to RBI for clearance through central clearing office. The instrument of the branch will be brought to central clearing office and from there to the respective branches. In the same way, clearing is done for all the branches of II Party/Management all over Tamil Nadu and other areas. The manner and method of clearing is carried out by all the nationalised and scheduled banks in accordance with provisions of Negotiable Instruments Act, Banking Regulation Act and directives of RBI and Standing Committee of Bankers Clearing House. The clearing shall be carried out only by deputing clerical sub-staff and it cannot be assigned to any private agency or persons. The sub-staff are employed by all the bankers including the II Party/Management all along and for more than five decades. For this sub-staff are entitled to special allowance for carrying out the work mentioned in petition as per Bipartite Settlement. The clearing work is done by sub-staff employed by sub-staff employed in II Party/Management as per practice, custom and usage that is being in force for a long time continuously. Further by entrusting the work to the sub-staff, fidelity and secrecy of the bank and customers are maintained. Thus, the interest of the bank as well as the customer are saved and protected. While so, the II Party/Management in Chennai sought to give clearing work to private couriers pertaining to Tambaram, Chrompet, Alandur, Nanganallur, Thiruverkadu, Savitha Dental College branches and the Alandur Extension counter which was not permissible under provisions of various laws more particularly Section 9A of the Act. Immediately the I party Union wrote a letter on 27-7-02 for which the II Party/Management sent a reply that they would go ahead with entrustment of clearing work with private couriers. Therefore, the I Party Union raised the dispute against entrustment of clearing work which is perennial and permanent in nature to the third party contractor, which is violative of Section 9A and Bipartite Settlement governing the conditions of service to sub-staff involved in clearing work. While the matter is pending, II Party/Management has started to hand over clearing work to private couriers in various branches all over Tamil Nadu which is illegal and contrary to the advice given by labour authorities to maintain status quo in terms of provisions of Section 33 of I. D. Act. The action of the management amounts to altering the conditions of service and is not maintainable. By this altering conditions of service it will lead to deprivation of wages, allowances and employment of sub-staff. Since no notice was issued before effecting such change, it is violative of section 9A of the I. D. Act and therefore, it is non-est and in-operative. It is also contrary to Section 10(ii)(b) of Banking Regulation

Act and it is also contrary to direction of Standing Committee for bankers clearing house. Even after raising this dispute, the II Party/Management without seeking permission from conciliation officer effected the alteration of conditions of service, which is violative of Section 33(1)(a) of the Act. Further, the entrustment of clearing work to private couriers is also detrimental to the interest of customers and the bank. Hence, for all these reasons, the Petitioner union prays to hold that action of II Party/Management as illegal and consequently direct the II Party/Management to carry out the said work with sub-staff as done hitherto.

4. As against this, the Respondent in its Counter Statement alleged that the Respondent is a banking company and it accepts instruments tendered by its constituents for clearance/collection. When the instrument is drawn on a local branch of bank, it will be sent for clearance. When it is outstation cheque it will be sent by post/courier to the branch of bank on which the instrument is drawn for collection. The RBI has set up a clearing house in all metro cities, where all banks in concerned city will attend to clearing and in other cities where there are more than five banks functioning, there will be clearing house set up either by SBI and in the absence of SBI by one of the leading banks. In the clearing house, representatives of banks functioning in concerned city will meet the cheques drawn on other banks and they will exchange the instruments and this is called as clearing operation. Where the Respondent/Bank has more than one branch, the main branch or central clearing office as the case may be, will attend to clearing and the said branch/central clearing office will be responsible to collect the cheques of other branches and transmission of the same. This branch is called service branch and other branches are called subordinate branches. The transmission of instruments from subordinate branches to service branch and re-transmission from service branch to subordinate branches were being done through sub-staff of the concerned branch. By deploying the sub-staff for this work, the extent of time he was so engaged, his services were not available to the branch. It was felt that if for collection purpose (outstation cheques) instruments could be sent through postal department or courier to outstation, the Respondent/Bank considered there was no reason why such external agency should not be engaged for transmission of instruments from subordinate branches to service branch vice versa. On 22-7-87 the RBI directed that by introducing mechanised cheque processing system using high speed reader sorters in local clearing cheques, the processing of cheques has been speeded and the RBI directed the banks to review the arrangement involved in movement of clearing instruments from branches to clearing department and consider evolving suitable steps to speed up the movement of instruments including introduction of an effective courier service. In the year

1995, the Respondent/Bank engaged courier in New Delhi who was entrusted with the task of collecting instruments from Lawrence Road branch and Kashmiri Gate and delivering it to the Karolbagh branch, which is the service branch. In such courier service, instruments pertaining to branch will be put inside an envelope and pasted envelope will be put in a bag which will be duly locked before handing it over to courier. The service branch as well as subordinate branches attached to it will have key for each bag so that there is no scope for the bag being tampered with during the course of transit from the subordinate branches to service branch and vice versa. Even now, many of the foreign banks and nationalised banks had also started engaging couriers for transmission and retransmission of instruments for clearance from subordinate branches to service branch and vice versa. In July, 2001 professional courier was engaged for collection and transmission of cheques in Tirunelveli town to and from service branch. On 26-7-02 the professional courier was engaged in Tirupur branch and this was followed in Salem during December, 2002 and in Coimbatore during January, 2003; in Warrangal, Hyderabad, Madurai during April, 2003, in Mumbai, Karur and Trichy during May, 2003 and during July, 2002 it was introduced in seven branches of Chennai city. As on date, in all the 19 out of 21 clearing centres in Tamil Nadu, transmission and retransmission of instruments from service branch/Central clearing office have been fully implemented. The system has been in vogue in some of the nationalised banks as early as in 1971. The allegation that it was violative of Section 9A and 33 of the Act is wholly unsustainable and unjustified. Even today, transmission and retransmission of instruments to and from service branch/Central Clearing House is concerned, it is done only by staff of the bank. By this arrangement, sub-staff from concerned branches are not required for transit of instruments to service branch. This will not adversely affect the job security or condition of service of sub-staff. Even whenever a sub-staff was required for delivery of instruments from branch to collection centres or service branch, he was paid conveyance expenses and this is not an allowance or an income and sub-staff cannot claim it as a matter of right. The allowance was payable only as long as they were driving the two wheeler on a regular basis and when once they are not entrusted with the driving work, they will not be entitled for this allowance. Besides above, one more sub-staff at Chennai who was entrusted with this work in respect of few other branches was commuting by electric train and he was paid only actual conveyance. It is false to allege that the work of carrying/delivering instrument from one branch to another is part of duties specified in Bipartite Settlement. In fact, Bipartite Settlement did not specify the duties to be performed by sub-staff. It is also false to allege that by entrusting instrument in a sealed cover through courier there is impairment of fidelity and secrecy of bank and customers. Further by entrusting of work to courier service

will amount to entrusting the sub-staff work pertaining to clearing house operation. Therefore, the question of violation of Section 9A of I.D. Act or Bipartite Settlement does not arise. Further, it would not amount to alteration of service conditions of sub-staff. Therefore, there is no violation of section 33 of I.D. Act. There is no service condition that the transmission of instrument from one branch to another should be made only through sub-staff of the bank. Even in collection of instrument from outstation branches, instruments are sent by post/courier and therefore it would not alter service conditions of workmen. Section 10(1)(b) of Banking Regulation Act is not attracted since courier is not paid commission nor any person is employed by the Respondent/Bank on commission. Further the work of courier is only an internal arrangement and it has nothing to do with the clearing house operation. Item 8 in IV schedule to I.D. Act deals with only custom and usage which has a bearing on service conditions of workmen. But in this case, the work entrusted to workmen will not come under this and therefore, there is no violation of Section 9A of the I.D. Act. Merely because the work of collection and delivery of instruments was done by sub-staff, it does not mean that the said work should be carried out only by such sub-staff. Delivery of instrument to a courier would not amount to engagement of contract labour or outsourcing and hence, there is no need to comply with section 9A of I.D. Act. Therefore, entrustment of instrument to courier would not in any manner cause any prejudice to interest of customers and hence for all these reasons, the Respondent prays that the claim may be dismissed with costs.

5. In such circumstances, the points for my determination are :

- (i) "Whether the entrustment of instrument namely collection/delivery of clearing instruments to outside courier agency by the Respondent/Management is legal and justified ?
- (ii) To what relief the members of Petitioner union are entitled ?"

Point No. 1 :

6. The admitted facts in this case is the Reserve Bank of India has set up clearing house in all the metro cities, where all the banks in concerned city will attend to clearing. In all other cities/towns where there are more than five banks functioning, there will be clearing house set up either by State Bank of India and in the absence of SBI by one of the leading banks and in the clearing house, representatives of banks functioning in concerned city/town will meet with cheques drawn on other banks and they will exchange the instruments, which is called as clearing operation. When there are more than one branch of the same bank, main branch will attend to clearing and the said branch will be responsible to collect cheques of

other branches and transmission of the same, which is called as service branch and other branches are called subordinate branches. The cheque given to each branch will be carried over to central clearing office and from there to the Reserve Bank clearing house by the staff of Respondent/Bank and sub-staff are employed by the II Party/Management all along for more than five decades and for carrying the instrument for clearing, the sub-staff are entitled for allowance. In this case, it is alleged by the Petitioner that in the year 2002, the Respondent/Bank sought to give clearing work to private courier pertaining to Tambaram, Chrompet, Alandur, Nanganallur, Thiruverkadu, Savitha Dental College etc. which was opposed by the Petitioner union.

7. As against this, the Respondent contended that no doubt, the Respondent/Management has given the clearance work to the courier, but even today the transmission and retransmission of instrument to and from service branch/Central Clearing House is done only by staff of the bank and it is only the entrustment of the instrument from subordinate branches to service branch was given to courier. Further by deploying the sub-staff for the work, the extent of time he was so engaged and his services were not available to the branch and it was felt by the Respondent/Bank that if for collection purpose, the outstation cheques/instrument could be sent through external agency namely postal department or courier to the outstation, there was no reason why such an external agency should be engaged for transmission and retransmission of instruments from subordinate branches to service branch and vice versa and therefore, they have introduced the same in the year 1995 at New Delhi branch and in the year 2001 in Tirunelveli town and after that they have introduced in 19 out of 21 clearing centres in Tamil Nadu. Therefore, the main dispute in this case is whether the entrustment of instrument work from subordinate branches to service branch can be given to the private courier service and whether it is legal and justified ?

8. To substantiate the contention of the Petitioner union, the General Secretary was examined as WW1 and I2 documents were marked on their side. Ex. W1 is the copy of the letter sent by Petitioner union to Respondent/Management dated 27-7-2002. Ex. W2 is the copy of reply given by the Respondent/Management. Ex. W3 is the copy of dispute raised by the Petitioner union before Regional Labour Commissioner (Central). Ex. W4 is the copy of conciliation notice issued by Regional Labour Commissioner (Central). Ex. W5 is the remarks filed by the II Party/Management to notice. Ex. W6 is the copy of complaint given by Petitioner union to Regional Labour Commissioner (Central) on 1-10-02. Ex. W7 is the copy of representation made by the Petitioner union before Assistant Labour Commissioner (Central). Ex. W8 is the copy of interim order passed in WPMP No.4794/03. Ex. W9 is the copy of failure report submitted by Assistant

Labour Commissioner (Central). Ex. W10 is the copy of letter given by Petitioner union to Regional Labour Commissioner (Central) complaining about alteration of service conditions. Ex. W11 is the copy of letter sent by Petitioner union to Regional Labour Commissioner (Central) to take action against the II Party/Management. Ex. W12 is the copy of 8th Bipartite Settlement.

9. As against this, the II Party/Management filed 16 documents as Ex. M1 to M16. Ex. M1 is the copy of RBI circular dated 22-7-87. Ex. M2 is the copy of agreement entered into between Respondent/Bank and Peacock courier service. Ex. M3 is the copy of extract of amendments in force from 1-7-02 in code of civil procedure Act. Ex. M4 is the copy of minutes of Chennai bankers' clearing house held on 30-12-02. Ex. M5 is the copy of extract of section 10(1)(d) of Banking Regulation Act. Ex. M6 to M15 are copies of letters regarding engagement of courier agency. Ex. M16 is the copy of extract of Bipartite Settlement regarding sub-staff duties/bill collector duties.

10. Learned counsel for the Petitioner contended that the action of the II Party/Management in introducing private courier for clearance in the place of the sub-staff is a clear case of altering conditions of service to the detriment of sub-staff concerned as it will lead to deprivation of wages and allowances and also employment and since no notice was issued before effecting such change, it is violative of Section 9A of the I. D. Act and therefore, it is non-est and inoperative and secondly, entrusting of clearing work is contrary to Section 10(ii)(b) of the Banking Regulation Act, since no work can be assigned to any third party under the said action. Thirdly, the action of the II Party/Management in entrusting clearing work to private party other than sub-staff is also contrary to the direction of Standing Committee for Bankers Clearing House. Fourthly, the action of the II Party/Management in seeking to alter the conditions of service by introducing courier system after raising the dispute without seeking permission from conciliation officer is violative of Section 33(1)(a) of the I. D. Act. Fifthly, the transmission instrument for clearing work is done only through sub-staff for more than five decades without any interruption. Hence, such a custom, usage of practice cannot be given a go by without any notice under section 9A. Sixthly, collection and transmission of negotiable instruments could be entrusted only to an award staff as per Bipartite Settlement and hence the terms of Bipartite Settlement cannot be unilaterally varied, that too to the detriment of sub-staff, hence, it is illegal. Seventhly, when the collection and delivery transit of cheques have been done directly by the bank through their own employees such direct labour system cannot be changed by outsourcing without issuing a notice under section 9A. Lastly, entrusting clearing work to a private courier is also detrimental to the interest of the bank and its customers and therefore, the action of the Respondent/Management is illegal and prays this Tribunal to order the

II Party/Management to carry out the said work with the sub-staff as done hitherto.

11. But, as against this, learned counsel for the Respondent contended that there was no service condition that transmission of instrument from one branch to another should be made only through sub-staff of the bank. In fact, collection of instrument from outstation branches were sent only by post/courier and therefore, entrustment of instrument to courier for transmission would not alter the conditions of service of workmen and therefore, there is no violation of Section 9A of the I. D. Act as alleged by the Petitioner. Further, it is contended that Section 10(i)(b) of the Banking Regulation Act only prohibits the banking company from employing any person whose remuneration or part of his remuneration takes the form of commission or of a share in the profits of the company. In this case, the courier is not paid any commission nor any person is employed by the Respondent/Bank on commission basis. Therefore, it cannot be said that it is against the provisions of Banking Regulation Act. Then again, it is contended on behalf of the Respondent that the Standing Committee for Bankers Clearing House has only given certain guidelines in the matter of clearing operations and the work of delivery and collection of instrument by courier from one branch to another is only an internal arrangement and it has nothing to do with clearing house operation. It is further contended on behalf of the Respondent that entrustment of collection and delivery of instrument from the concerned branches to service branch to a courier, the service conditions of sub-staff are not in any way altered. Therefore, in the absence of alteration of service conditions of sub-staff, section 33 of the I. D. Act would not get attracted. Further item No. 8 in IV schedule to I. D. Act deals with only custom and usage which has a bearing on the service conditions of workmen and when there was no violation of service conditions, there was no violation of provisions of Section 9A of the I. D. Act. It is also contended on behalf of the Respondent that Bipartite Settlement does not enumerate duties to be performed by sub-staff and in any event, merely because the work of collection and delivery of instruments was done by sub-staff, it does not mean that the said work should be carried out only by such sub-staff. Further, entrustment of collection and delivery of instrument to a courier would not amount to engagement of contract labour or outsourcing and hence, there was no need to comply with the section 9A of I. D. Act. It is his further contention that such action would not in any manner cause any prejudice to the interest of customers and therefore, the claim of the Petitioner is to be dismissed.

12. In order to substantiate the contention of the I Party, learned counsel for the Petitioner relied on the rulings reported in 1972 II SCC 383 *Tata Iron and Steel Co. Ltd. Vs. Workmen and Others*. In that case, the Supreme

Court has to consider with regard to change of weekly rest day from Sunday to Wednesday in the case of one colliery and to Thursday in the other case without any notice under section 9A of the Act is valid, wherein the Supreme Court has held that "Section 9A lays down change in conditions of service in respect of any matter specified in fourth schedule shall not have effect unless a notice is given to workmen likely to be affected by such change. It appears to us that entries dealing with hours of work and rest intervals and leave with wages and holidays are wide enough to cover the case of illegal strike and rest days. Indeed entry No. 8 dealing with withdrawal of customary concession or privilege or change in usage is also wide enough to take within its fold the change of weekly holidays from Sunday to some other day of week, because it seems to us to be a plausible argument to urge that fixation of Sundays as weekly rest days is founded on usage and/or is treated as a customary privilege and any change in such weekly holidays would fall within the expression 'change in usage' or 'customary privilege'. Learned counsel further relied on the rulings reported in 1976 I SCC 63 *Management of Indian Oil Corporation Ltd. Vs. Workmen* wherein the Supreme Court while considering with regard to payment of compensatory allowance given by IOC, it has held that "grant of compensatory allowance was undoubtedly an implied condition of service so as to attract the mandatory provisions of Section 9A" and it is further held that "circulars of Central Govt. were not binding on the appellant Corporation but the Corporation chose to follow them in its own wisdom. Further it is also admitted that at the time when the concession of compensatory allowance was granted to employee of corporation, there was nothing to show that it was given only by way of an interim measure which could be withdrawn at the will of the employer. Thirdly, it is also not disputed that before withdrawing the concession of compensatory allowance in August, 1960 the appellant Corporation gave no notice to workers nor did not consult them in any way before depriving them of concession originally granted by the employer. Section 9A comes into operation the moment the employer proposes to change any conditions of service applicable to any workmen and therefore, it is not valid" and rejected the contention of the Corporation. Learned counsel further relied on the rulings reported in 1969 18 FLR 108 SC, wherein the Supreme Court while considering with regard to key allowance withdrawn by Indian Overseas Bank, it has held that "Desai Award did not include key allowance in the special allowances admissible to cashiers. Since none of the allowances mentioned specifically here can be said to cover the key allowance the matter of key allowance was at large. It rested with the bank to continue or to discontinue it. But since the matter was accepted by the bank as a gesture of good will, it must be treated as a condition of service of the cashier concerned to whom it was admissible. Under section 9A of the Act read with

Rule 34 of Industrial Disputes (Central) Rules, a notice of change in conditions of service applicable to the cashier concerned had to be given in Form E appended to rules." Relying on these decisions, learned counsel for the Petitioner argued that for carrying instrument from branches to Central Clearing House and from there to clearing house at RBI and vice versa, the sub-staff of the bank are employed all along for more than five decades and this custom was followed as usage of practice, it cannot be given a go by without any notice under Section 9A. Further, it is a clear case of altering conditions of service to the detriment of sub-staff and deprivation of wages, allowances and employment and therefore, it is not valid in law.

13. But, as against this, learned counsel for the Respondent contended that no allowance will be given or paid to the sub-staff for such work. Further, the said allowance cannot be claimed as a matter of right as allowance. The amount was payable only as long as they were driving the two wheeler on a regular basis to reach the place. Wherever such a sub-staff was required for delivery of instruments from the branch to the collection centre or service branch, he was paid conveyance and this was not allowance and sub-staff cannot be claimed as a matter of right. Therefore, it cannot be said that entrustment of work to private courier will lead to deprivation of wages, allowances and employment of sub-staff.

14. I find much force in the contention of the learned counsel for the Respondent because the sub-staff required for delivery of instrument from the branch to clearing centres were paid only conveyance expenses and if he has got two wheeler allowance was paid only for driving two wheeler and not any other purpose as alleged by the Petitioner. Under such circumstances, it cannot be said that by introducing courier service in transmission, it leads to deprivation of wages, allowances and employment of sub-staff. Therefore, I find there is no violation of Section 9A of the I. D. Act. Similarly, though the Petitioner contended that this entrustment of transmission of instrument was given to sub-staff for a long period as a custom and usage, even today with regard to outstation cheques, it is admitted that they were sent through RPAD or by courier. Under such circumstances, it cannot be said that this entrustment of instrument to sub-staff is a custom, usage and practice. Further, it is argued on behalf of the Respondent that RBI in its circular under Ex. M1 directed the banks to review arrangement involved in the movement of clearing instruments from branches to clearing departments and consider evolving suitable steps to speed up the movement of instruments including introduction of an effective courier service. After this circular and only after the sister concerns are following the procedure of courier service, the Respondent/Bank has introduced courier system to take the instrument from

subordinate branches to service branch. It is also contended that even today transmission and retransmission of instrument to and from the service branch/central clearing house to clearing house is done only by staff of the bank and it was not entrusted to courier service and only the instrument taken from subordinate branches to service branch was entrusted to courier service. Further, it is contended that if the work was done by a sub-staff by deploying a sub-staff for this work, the extent of time so engaged, their services were not available to the branch and even for the collection purpose with regard to outstation cheques, instruments are sent only through postal department or courier service. Under such circumstances, the Respondent/Bank thought it fit why such an external agency should not be engaged for transmission and retransmission of instrument from subordinate branches to service branch and vice versa and under such circumstances, it cannot be said that it would lead to deprivation of wages and allowances of sub-staff. Here again, I find some force in the contention of the learned counsel for the Respondent. Merely because, transmission of instrument was done by sub-staff, it cannot be said that it should not be given away. Further, for speedy movement of commercial transaction, the bank has followed courier service system. Under such circumstances, I find there is no harm caused to the Petitioner union by this entrustment of instrument work to courier service. Further, all the decisions cited by the learned counsel for the Petitioner were referred to only allowances given by the bank and other corporation to their employees. Under such circumstances, by introduction of new system or withdrawing that system, it will affect the rights of employees. In such circumstances, the Supreme Court has held that it is in violation of Section 9A. But, in this case, giving instrument to courier with regard to collection and delivery of instrument from subordinate branches to service branch and under such circumstances, I am not inclined to hold that there was violation of Section 9A of the Act. Further, though the learned counsel for the Petitioner relied on 8th Bipartite Settlement with regard to computerisation and mechanisation wherein it is mentioned that outsource of IT and its related activities in respect of specialised areas can be given and it is generally prohibited, wherein house capacity is available, outsourcing should not be given to anybody else. Relying on this clause of settlement, learned counsel for the Petitioner argued that when the collection and delivery of cheques directly by the bank through their own employees, such direct level system cannot be changed by outsourcing without issuing notice under Section 9A.

15. But, here again I am not inclined to accept the contention of the Petitioner because the work of collection and delivery of instrument to courier does not amount to engagement of contract labour or outsourcing. Further

even today, it is admitted that outstation cheques and instruments are sent through postal department or by courier and under such circumstances, I find it will not amount to engagement of contract labour or outsourcing.

16. Then again, learned counsel for the Petitioner contended that due to entrustment of this instrument to sub-staff there was a fool proof method of entrustment and fidelity and secrecy of the bank and customers are maintained, on the other hand, it was given to courier service, the fidelity and secrecy of the bank cannot be maintained and therefore, there is a detrimental to the interest of customers. But, here again, I am not inclined to accept the contention of the counsel for the Petitioner because, learned counsel for the Respondent has clearly stated that instrument pertaining to subordinate branch will be put inside an envelope and pasted envelope will be put in a bag which will be duly locked before handing it over to the courier and the service branch as well as subordinate branch attached to it will have a key for each bag so that there is no scope for the bag being tampered with during the course of transit from subordinate branches to service branch vice versa. Under such circumstances, I find there will not be any detrimental to the interest of customers as well as the bank.

17. Again, learned counsel for the Petitioner contended that collection and transmission of negotiable instrument would be entrusted only to award staff as per Bipartite Settlement. But he has not produced/mentioned the clause of the Bipartite Settlement to show that transmission of negotiable instrument would be entrusted only to the sub-staff as per Bipartite Settlement. Even though he contended that this practice of entrustment to courier service is contrary to Section 10(ii)(b) of the Banking Regulation Act and also contrary to the direction of Standing Committee for Bankers Clearing House, it was not established before this Tribunal that this practice is contrary to the above said Regulation Act as well as direction given by the said Standing Committee of Bankers Clearing House. Under such circumstances, I find this point in favour of the Respondent/Bank.

Point No. 2 :

The next point to be decided in this case is to what relief the concerned employees are entitled ?

18. In view of my foregoing findings that entrustment of instrument for collection/delivery from subordinate branch to service branch and vice versa by the Respondent/Bank is legal and justified, I find the Petitioner union is not entitled to any relief as prayed for.

19. Thus, the reference is answered accordingly.

(Dictated to the P. A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 20th December, 2005).

K. JAYARAMAN, Presiding Officer

Witness Examined :

For the I Party/Claimant : WW1 Sri V. Krishnamurthy.

For the Respondent/Management : None

Documents Marked :

For the I Party/Petitioner :

Ex. No.	Date	Description
W1	27-07-02	Xerox copy of the letter from I Party to II Party.
W2	06-08-02	Xerox copy of the reply given by Respondent to I Party.
W3	29-08-02	Xerox copy of the dispute raised by I Party union before Regional Labour Commissioner (Central).
W4	04-09-02	Xerox copy of the conciliation notice issued by Regional Labour Commissioner (Central).
W5	28-09-02	Xerox copy of the remarked filed by Respondent.
W6	01-10-02	Xerox copy of the complaint given by I Party to Regional Labour Commissioner (Central).
W7	29-10-02	Xerox copy of the submission made by I Party before Assistant Labour Commissioner (Central).
W8	07-02-03	Xerox copy of the interim order of High Court in WPMP No. 4794/2003.
W9	25-02-03	Xerox copy of the failure of conciliation report.
W10	16-12-02	Xerox copy of the letter from I Party to Regional Labour Commissioner (Central) complaining Alteration of service conditions.
W11	27-02-03	Xerox copy of the letter from I Party to Regional Labour Commissioner (Central) for Altering conditions of service.
W12	Nil	8th Bipartite Settlement booklet.

For the II Party/Management :

Ex. No.	Date	Description
M1	22-07-87	Xerox copy of the circular issued by RBI.
M2	15-07-02	Xerox copy of the agreement entered into between Respondent/Bank and Peacock courier service.

M3	01-07-02	Xerox copy of the extract of amendments in Code of Civil Procedure (Amendment) Act, 1999.
M4	30-12-02	Xerox copy of the minutes of Chennai Bankers Clearing House.
M5	Nil	Extract of Section 10(1)(d) of Banking Regulation Act
M6	18-07-01	Xerox copy of the letter from Central Office permitting Tirunelveli Branch to engage courier agency.
M7	19-07-02	Xerox copy of the letter from Central Office permitting Tirupur branch to engage courier agency.
M8	24-03-03	Xerox copy of the letter from Central Office permitting Warrangal branch to engage courier agency.
M9	01-04-03	Xerox copy of the letter from Central Office permitting Hyderabad branches to engage courier agency.
M10	23-04-03	Xerox copy of the letter from Central Office permitting Madurai branch to engage courier agency.
M11	25-04-03	Xerox copy of the letter from Central Office permitting Mumbai D. O. to engage courier agency.
M12	06-05-03	Xerox copy of the letter from Central Office permitting Trichy branch to engage courier agency.
M13	06-05-03	Xerox copy of the letter from Central Office permitting Karur Gandhigramam branch to engage courier agency.
M14	07-05-03	Xerox copy of the letter from Central Office permitting Chennai city branches to engage courier agency.
M15	23-09-03	Xerox copy of the letter from Central Office permitting Coimbatore branches to engage courier agency.
M16	Nil	Xerox copy of the extract of Bipartite Settlement Provisions regarding sub-staff/bill collector duties.

नई दिल्ली, 1 मार्च, 2006

का. आ. 1157.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दि बैंक ऑफ राजस्थान लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण बीकानेर के पंचाट (संदर्भ संख्या 5/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-2-2006 को प्राप्त हुआ था।

[सं. एल-12012/331/97-आई. आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 1st March, 2006

S.O. 1157.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 5/2002) of the Industrial Tribunal, Bikaner now as shown in the Annexure in the Industrial dispute between the employers in relation to the management of The Bank of Rajasthan Ltd. and their workman, which was received by the Central Government on 28-2-2006.

[No. L-12012/331/97-IR (B-1)]
AJAY KUMAR, Desk Officer

अनुबन्ध

औद्योगिक विवाद अधिकरण, बीकानेर

पीठासीन अधिकारी : श्री के.एल. माथुर, आर.एच.जे.एस.

नं. मु. औद्यो. वि. प्रसंग संख्या-5 सन् 2005

श्रीमती राजदेवी पत्नी श्री गौरीशंकर जाति हरिजन निवासी हरिजन मोहल्ला—विनोबा बस्ती हाल सफाई कर्मकार, बैंक ऑफ राजस्थान लिमिटेड कोटगेट शाखा बीकानेर जरिये—अधिकृत संघ प्रतिनिधि महामंत्री, हरिजन राष्ट्रीय जल मजदूर संघ (कांग्रेस) चूरू।

... प्रार्थी श्रमिका/संघपक्ष

विरुद्ध

दि रिजनल मैनेजर, दि बैंक ऑफ राजस्थान लिमिटेड रिजनल आफिस, सार्दुलगंज बीकानेर।

... अप्रार्थी/नियोजक

प्रसंग अन्तर्गत धारा 10(1)(घ), औद्योगिक विवाद अधिनियम, 1947।

उपस्थिति :

- (1) श्री संतोष कुमार सैनी, श्रमिक प्रतिनिधि, प्रार्थी संघ के लिये।
- (2) श्री हरेन्द्र कुमार महोबिया, अधिवक्ता, अप्रार्थी नियोजक पक्ष के लिये।

अधिनिर्णय

दिनांक 20 अक्टूबर, 2005

श्रम मंत्रालय, भारत सरकार ने "औद्योगिक विवाद अधिनियम, 1947" (जिसे आगे चलकर केवल अधिनियम कहा जावेगा) की धारा 10 की उपधारा (1) के खण्ड (घ) के अधीन जारी आदेश सं. एल. 12012/331/97-आई. आर. (बी-1) नई दिल्ली दिनांक 20-8-1998 के द्वारा प्रेषित इस प्रसंग के अन्तर्गत निम्न विवाद अधिनिर्णयार्थ इस न्यायाधिकरण में भेजा था :

'Whether the action of the management of Bank of Rajasthan Ltd., Bikaner is justified in not regularising the services of Smt. Raju as a sweeper and not paying her atleast 1/3rd scale of wages when she is required to sweep 2500 sq. ft. area since last 15 years and paid only Rs. 60 from January, 1981 to June 1983 and Rs. 100 from July 1983 to October, 1987, if not, to what relief to the workman is entitled to and from what dates.'

2. भारत सरकार द्वारा प्रेषित उक्त आदेश, श्रम मंत्रालय के समसंख्यक पत्र दिनांक 19-4-2002 के संलग्न इस अधिकरण में 14-5-02 को छायाप्रति के रूप में प्राप्त होने पर प्रसंग दर्ज रजिस्टर किया गया और दोनों पक्षकारों द्वारा अपने-अपने लिखित अभिवचन प्रस्तुत किये गये हैं अर्थात् प्रार्थी संघ की ओर से प्रार्थिनी श्रमिका श्रीमती राजदेवी (जिसे आगे चलकर केवल प्रार्थिनी श्रमिका कहा गया है) के संबंध में पेश किये गये क्लेम विवरण का जवाब अप्रार्थी नियोजक पक्ष द्वारा दिया गया है।

3. संक्षेप में, प्रकरण के तथ्य इस प्रकार से बतलाये गये हैं कि प्रार्थी संघ—हरिजन राष्ट्रीय जलमजदूर संघ (कांग्रेस) चूरू के महामंत्री द्वारा इस आशय के साथ क्लेम विवरण पेश किया गया है कि प्रार्थिनी श्रमिका बैंक संस्थान राजस्थान की सक्रिय सदस्या रही है जिस संघ के द्वारा प्रार्थिनी को उसकी सेवाअवधि के अनुरूप बैंक प्रशासन तंत्र द्वारा सुविधा एवं देय परिलाभ तथा नियमित सेवा का लाभ प्रदान न करने पर उत्पन्न औद्योगिक विवाद के संबंध में एक मांग-पत्र सहायक श्रम आयुक्त केन्द्रीय जयपुर के समक्ष प्रस्तुत करने पर वार्ता असफल करार दिये जाने पर भारत सरकार द्वारा उक्त रेफरेंस न्यायनिर्णयार्थ भेजा था जो न्यायालय के समक्ष प्रेषित नहीं होने पर संघ प्रतिनिधि कर्मकार अपनी सेवाअवधि के अनुरूप अपने पद के कार्य का वेतनमान एवं पद पर स्थायीकरण के लाभ पाने की अधिकारी रहे हैं जिसके सम्बन्ध में बैंक प्रबंधतंत्र द्वारा समय-समय पर निर्देश व आदेश शाखा प्रबन्धक तथा मातहत अधिकारी को दिये गये। प्रार्थी संघ के अनुसार प्रार्थिनी की सेवा अप्रार्थी संस्थान में वर्ष 1981 से बदस्तुर स्थाई प्रकृति के कार्य पर बतौर सफाई कर्मकार होने से बाईपार्ट सेटलमेंट एवं सेवा नियमों के प्रावधानों के तहत अपने पद पर स्थाई घोषित होने एवं पद के वेतनमान को प्राप्त करने की हकदार रही है, प्रार्थिनी की सेवा अप्रार्थी संस्थान पर 2500 वर्गफीट परिक्षेत्र की सफाई व्यवस्था के साथ-साथ शौचालय व अन्य चतुर्थ श्रेणी कर्मकार का कार्य ली जाने के कारण अप्रार्थी नियोजक द्वारा बाईपार्ट सेटलमेंट के तहत हुए समझौते के प्रतिकूल वर्ष 81 से 83 तक 60 रुपये व 83 से 87 तक 100 रुपये मासिक दर से भुगतान अपनी मनमर्जी से किया ताकि वह अपनी सेवाअवधि के अनुरूप देय परिलाभ एवं स्थाईकरण लाभ को प्राप्त न कर सके जो समस्त कृत्य अप्रार्थी नियोजक का अधिनियम की पांचवी अनुसूची के तहत अनफेयर लेबर प्रैक्टिस का होना बताते हुए यह भी कथन किया है कि उसकी सेवा अप्रार्थी संस्थान पर बतौर अंशकालीन कर्मकार के अथवा संविदा के आधार पर अथवा सेवा व्यवस्था के तहत नहीं रही है और उनकी सेवा अप्रार्थी संस्थान में 1-4-81 से बदस्तुर होने से वह 6 माह की अवधि पश्चात् बाईपार्ट सेटलमेंट के तहत प्रार्थिनी का कार्य 2500 वर्गफीट परिक्षेत्र की सफाई का कार्य होने से उसी के अनुरूप निर्धारित वेतन तथा दो वर्ष की सेवा

पूर्ण होने की तिथि 1-4-02 से वह अपने पद पर स्थाईकरण एवं पद के अनुरूप देय वेतनमान को प्राप्त करने की विधिक हकदार रही है और यह लाभ अप्रार्थी नियोजक द्वारा नहीं दिये जाने से उसको आर्थिक नुकसान के साथ-साथ मानसिक वेदना के दौर से गुजरना पड़ा है और वह अपने साथी कर्मकारों से पिछड़ते हुए उनके द्वारा प्रार्थिनी को हीन भावना से देखा जाने के कारण उसकी कार्य क्षमता पर भी इसका प्रतिकूल असर पड़ा है और प्रार्थिनी के प्रार्थनापत्र 9-3-02 पर उक्त प्रसंग की प्रति न्यायाधिकरण को सुनवाई हेतु प्रस्तुत की गयी है। प्रार्थिनी "दि राजस्थान बैंक लि. (जिसे केवल अप्रार्थी बैंक ही कहा गया है) के नियोजन में कोटगोट शाखा बीकानेर पर सफाई कर्मकार के पद पर 1-4-81 से नियुक्त होकर अपनी नियुक्ति तिथि से अपने पद का कार्य नियमित तौर से संधारित करते हुए अपने पद की ड्यूटी का अंजाम पूर्ण लगन व कर्तव्य निष्ठापूर्वक अदा करती चली आ रही है और उसकी ड्यूटी 8 घंटे स्थाई प्रकृति के कार्य पर होते हुए प्रार्थिनी एवं अप्रार्थी का संबंध कर्मकार व नियोजक का रहा है और प्रार्थिनी के कार्य की प्रकृति बतौर कर्मकार की रही है तथा बैंकिंग कर्मकारों पर प्रबंध तंत्र द्वारा द्विपक्षीय समझौता 1966 जो कि समय-समय पर संशोधित रहा है के तहत बैंक स्टाफ कर्मकारों को सुविधा व देय परिलाभ प्राप्त होते रहे हैं तथा उक्त संस्था पर औद्योगिक विवाद अधिनियम एवं श्रम नियम प्रभावी रहे हैं और अप्रार्थी नियोजक ने प्रार्थिनी को उसके कार्य परिक्षेत्र के आधार पर बोनस एरियर एवं वेतन एरियर का भुगतान भी किया गया है अतः बैंक प्रबंध तंत्र एवं कर्मचारी संगठन के मध्य हुए समझौते के अनुसार प्रार्थिनी जैसे एरियर राशि पर 12 प्रतिशत वार्षिक दर से ब्याज व हर्जाखर्चा भी बतौर प्रतिकर प्राप्त करने की अधिकारी है। अंत में बाईपार्ट सेटलमेंट व सेवा नियमों के तहत कार्य परिक्षेत्र के अनुरूप वेतनमान के 1/3 भाग का वेतन तथा निर्धारित वेतन नहीं दिया जाना एवं सेवाअवधि के अनुसार स्थाईकरण व पद के अनुरूप वेतनमान का लाभ नहीं देना उचित व वैध नहीं होने से वह नियुक्ति तिथि से 6 माह की अवधि के पश्चात् वेतन श्रृंखला का 1/3 वेतन तथा देय एरियर प्रदान करने एवं दो वर्ष की सेवा होने से 1-4-83 से स्थाईकरण व पद का लाभ प्रदान कराने की प्रार्थना भी की गयी है।"

4. अप्रार्थी नियोजक द्वारा प्रस्तुत जवाब दावे में प्रकरण का प्रतिवाद करते हुए प्रारंभिक आपत्तियाँ इस प्रकार से उठाई गई हैं कि श्रीमती राजू एवं अप्रार्थी बैंक के मध्य श्रमिक व नियोजक के संबंध नहीं हैं, बैंक में नियोजन की निर्धारित प्रक्रिया है, उसी के अन्तर्गत सक्षम अधिकारी द्वारा नियमित नियुक्ति की जाती है, प्रार्थिनी की नियुक्ति कभी इस निर्धारित प्रक्रिया द्वारा नहीं की गयी है अतः वह श्रमिक की परिभाषा में नहीं आती है और ना ही उसे बैंक की सेवा में माना जा सकता है। हरिजन राष्ट्रीय जलमजदूर संघ (कांग्रेस) चूरू नाम की कोई यूनियन विपक्षी के यहां नहीं है उसे प्रार्थिनी का प्रतिनिधित्व करने का कोई अधिकार प्राप्त नहीं है, उसने स्वयं को ऑल बैंक सफाई कर्मचारी संघ का सदस्य बताकर केन्द्रीय सरकार औद्योगिक न्यायाधिकरण एवं श्रम न्यायालय जयपुर से मुकदमा संख्या सी.आई.टी. 49/99 में अवार्ड की पालना में 16460 रुपये का भुगतान दिनांक 6-8-98 को जरिये चैक प्राप्त किया है और अब उस अवार्ड के बाद भी सातवें द्विपक्षीय समझौते का लाभ भी 16-4-2001 को प्राप्त कर चुकी है अतः अब उसे कहने

का अधिकार प्राप्त नहीं है कि वह उनसे पाबन्द नहीं है और रैसजुडिकेटा के सिद्धांत के आधार पर उसका विवाद दुबारा उठाने योग्य नहीं है तथा क्लेम की मद सं. 2 में श्रमिका का बैंक संस्थान राजस्थान (स्टेट बैंक वर्क्स आर्गनाइजेशन, बीकानेर यूनिट की सक्रिय सदस्या का अभिवचन लिया गया है जबकि प्रतिनिधित्व करने वाली यूनियन—हरिजन राष्ट्रीय जल मजदूर संघ (कांग्रेस) चुरू का नाम दिया गया है जो चलने योग्य नहीं है, चाहा गया अनुतोष क्षेत्रीय प्रबन्धक देने में सक्षम नहीं है, क्षेत्रीय प्रबन्धक स्केल ऑफ पे अर्थात् नियुक्ति अधिकारी अप्राथी नहीं है, विशिष्ट पद रिक्त नहीं होने के कारण प्राथिनी का नियमितिकरण नहीं किया जा सकता है तथा उसकी ओर से माननीय राजस्थान उच्च न्यायालय में प्रस्तुत रिट याचिका को बिना शर्त वापिस लेकर खारिज करवाली थी अतः अब उसी अनुतोष के लिये विवाद नहीं उठा सकती है।

प्राथी पक्ष की ओर से प्रस्तुत क्लेम विवरण का मदवार जवाब देते हुए अंकित किया गया है कि दि राजस्थान बैंक लि. के नाम से कोई बैंक विद्यमान नहीं है, प्राथिया की दिनांक 1-4-81 या कभी नियमानुसार नियुक्ति नहीं की गई है, नियमित पद ही नहीं है तो नियमित नियुक्ति का प्रश्न ही पैदा नहीं होता है तथा प्राथिया से कभी भी चपरासी का कार्य नहीं लिया गया, यह गलत है कि प्राथिया सेवावधि के अनुरूप नियमित सेवा तथा पद से वेतनमान के लाभ को प्राप्त करने की अधिकारी हो गयी हो, प्राथिया को देय भुगतान उसके प्रतिस्प्ताह कार्य समय के अनुरूप के आधार पर किया जा चुका है एवम् आगे यह भी कथन किया है कि प्राथिया ने जिस अवधि में भी कार्य किया है वह हमेशा अंशकालीन कार्य ही किया है जो कभी भी 45-50 मिनट प्रतिदिन से अधिक समय का नहीं रहा है। अन्य सभी तथ्यों को अस्वीकार करते हुए यह कथन किया गया है कि प्राथी यूनियन ने यह तथ्य छुपाया है कि अप्राथी बैंक की कोटगेट शाखा की स्वयं की कोई प्रिमिसेज नहीं है बल्कि अप्राथी की कोटगेट शाखा ट्रस्ट की प्रिमिसेज में कार्य कर रही है और बीकानेर में प्रचलित प्रवक्ता के अनुसार हरिजनों का यह सिस्टम है कि उनके घर बंधे हुए होते हैं उसी प्रथा के अनुरूप हरिजन वर्षों से उन घरों की सफाई करते आ रहे हैं और प्राथिया का परिवार भी इस प्रिमिसेज से जुड़ा होने के कारण वह इनसे बंधी हुई है और घर बंटे होने के कारण अन्य कोई हरिजन उन प्रिमिसेज में नहीं जा सकता है इसी क्रम में प्राथिया का अप्राथी के पास अंशकालीन स्वीपर का कार्य 40-50 मिनट करना एवम् बैंक का कार्य समय शुरू होने से पूर्व ही बैंक की प्रिमिसेज में झाड़ू लगाकर चली जाना बताते हुए यह भी कथन किया है कि उसे अन्य लोगों के प्रिमिसेज भी संभालने होते हैं तथा ट्रस्ट की संपत्ति जिसमें अप्राथी बैंक का कार्य होता है उसमें अनेक किराये दार हैं उनका भी कार्य प्राथिया करती है फिर भी अप्राथी ने समय-समय पर देय परिलाभ बढ़ाकर 150 रु. प्रतिमाह कर दिये थे और बाद में द्विपक्षीय समझौते की पालना में जनवरी 81 से जून 83 के मध्य 60 रु. जुलाई 83 से अक्टूबर 87 के मध्य 100 रु. एवम् नवम्बर 87 से जून 97 के मध्य 175 रु. प्रतिमाह किये हैं और एरियर राशि 7700 रु. का भुगतान भी 12-7-97 को उसने बिना एतराज प्राप्त किया है तथा उसी अनुसार बोनस का भुगतान भी प्राप्त कर चुकी है, उसने यह तथ्य भी छिपाया है कि अनेक बार वह स्वयं भी कार्य के लिये नहीं आती है और अपने परिवार के अन्य सदस्य को भी भेज देती है तथा उसके कार्य पर आने-जाने पर समय की

पाबन्दी भी नहीं रखी है क्योंकि उसका व अप्राथी का कभी श्रमिक-नियोजक का रिश्ता नहीं रहा है तथा श्रमिका ने भारतीय बैंक संघ एवम् विभिन्न कर्मकार यूनियन के मध्य राष्ट्रीय स्तर पर समय-समय पर हुए समझौते की शर्तों का लाभ जो अंशकालीन व्यक्तियों को देय था प्राप्त कर लिये हैं तथा प्राथिया का प्रति सप्ताह कार्य समय जो किसी भी प्रकार से 6 घण्टे से कम का ही रहा है के आधार पर 740 रु. प्रतिमाह के हिसाब से भुगतान प्राप्त किया है व कर रही है, उसे इस तथ्य की जानकारी है कि इस प्रकार जो व्यक्ति बैंक में कार्य करते हैं उन्हें स्केल ऑफ वेजेज देय नहीं होते हैं जैसाकि 1979 से 2000 तक समय-समय पर हुए द्विपक्षीय समझौते से स्पष्ट है, उसने यह भी छिपाया है कि उसने औद्योगिक अधिकरण एवम् श्रम न्यायालय जयपुर के समक्ष ऑल बैंक सफाई कर्मचारी संघ राजस्थान जयपुर की मार्फत एक विवाद प्रसंग संख्या सी. जी. आई. टी. 49/99 उठाया था जिसमें 28-11-97 को हुए समझौते के आधार पर वेतन प्राप्त करने की मांग की थी और बैंक ने इसकी पालना में प्राथिया को भुगतान किया है और इस प्रकरण में न्यायालय ने 5-7-2000 को कोई विवाद नहीं का अवार्ड पारित किया है अतः अब वह अन्य किसी आधार पर विवाद उठाने से एस्टाण्ड हैं, प्राथिया चपरासी का कार्य न तो जानती है नाही वह योग्य है तथा उससे कार्य भी नहीं करवाया गया है, चपरासी का कोई पद खाली नहीं है तथा 18-8-99 को हुआ समझौता निरस्त कर दिया जाना एवम् 27-3-2000 को हुए समझौते को लागू करने में जारी निर्देश परिपत्र दिनांक 17-2-2001 किया गया था जो सभी जगह सभी अंशकालीन व्यक्तियों ने जिसमें प्राथिया भी सम्मिलित है स्वीकार कर लिया है तथा 18-8-99 को हुए समझौते की यूनियन की प्राथिया सदस्या भी नहीं थी एवम् उसमें निहित जटिलताओं के कारण लागू भी नहीं किया गया था अतः वह उसका कोई लाभ प्राप्त करने की अधिकारिणी नहीं है, प्राथिया स्वच्छ हाथों से नहीं आयी है अंत में चाहा गया अनुतोष अस्वीकार करते हुए प्राथिया के सम्बन्ध में प्रस्तुत क्लेम को खारिज करने की प्रार्थना की गयी है।

5. दोनों पक्षकारों द्वारा प्रस्तुत साक्ष्य के दौरान प्राथी पक्ष की साक्ष्य में स्वयं प्राथिया श्रमिका श्रीमती राजूदेवी तथा प्रदीप पंवार के शपथपत्र पेश किये गये हैं इसके विपरीत अप्राथी पक्ष की ओर से सुआलाल शर्मा का शपथपत्र पेश हुआ है। प्रत्येक पक्ष द्वारा एक-दूसरे पक्ष के साक्षी से जिरह की गयी है एवम् प्रलेखीय साक्ष भी पेश की गयी है।

6. विद्वान पक्षकारों की बहस सुनी गयी एवम् पत्रावली का अवलोकन किया गया, हमारे समक्ष लंबित इस प्रसंग के निस्तारण के लिये प्रमुख रूप से विचारणीय प्रश्न यही है कि "क्या बैंक ऑफ राजस्थान लि. बीकानेर के प्रबन्धतंत्र द्वारा प्राथिनी श्रीमती राजूदेवी की सेवाओं को नियमित नहीं करना और वेतनमान के वेतन का एक तिहाई वेतन भुगतान नहीं करना उचित एवम् वैध है और यदि नहीं तो वह किस राहत को प्राप्त करने की अधिकारी है ?

इस विचारणीय बिन्दू को सिद्ध करने का भार स्वयं प्राथी पक्ष पर ही था।

7. इस सम्बन्ध में साक्ष्य के दौरान प्राथी पक्ष की ओर से प्रस्तुत साक्ष्य में स्वयं श्रमिका श्रीमती राजू देवी द्वारा प्रस्तुत अपने शपथपत्र में

क्लेम में वर्णित तथ्यों की पुनरावर्ती करते हुए बतलाना है कि उसने दि बैंक ऑफ राजस्थान लि. के नियोजन में सफाई कर्मकार के पद पर 1-4-81 को नियुक्त होकर लगातार कार्यरत है और उसकी ड्यूटी प्रतिदिन 8 घंटे स्थाई प्रकृति के कार्य पर अप्राथी नियोजक के संस्थान कोटगेट शाखा बीकानेर पर बतौर कर्मकार के रही है, अप्राथी संस्थान एक औद्योगिक संस्थान है तथा उसके व अप्राथी के सम्बन्ध मजदूर व मालिक के रहे हैं तथा प्राथिया की सेवा किसी भी संविदा, अनुबंध, अंशकालीन अथवा किसी निर्धारित समय एवम् योजना पर न होकर नियमित स्थाई एवम् स्थाई प्रकृति के कार्य पर वह कार्यरत है, बैंक ने हुए समझौते पर एवम् जारी परिपत्र दिनांक 3-10-99 व 13-4-2000 अपने कब्जे में होते हुए भी पेश नहीं किये हैं, अप्राथी द्वारा मुझे वर्ष 81 से 83 में 60 रु. 83 से 87 तक 100 रु. मासिक दर से भुगतान किया जबकि 6 माह की सेवा अवधि पूर्ण होते ही द्विपक्षीय समझौते के तहत 2500 वर्ग फीट परिक्षेत्र की सफाई करने वाले कर्मकार को पद के वेतनमान के अनुरूप वेतन देय रहा है तथा दो वर्ष की सेवा पूर्ण होने पर स्थाईकरण का लाभ देय रहा है जो अदा नहीं करने पर यह विवाद संघ के माध्यम से उठाने पर न्यायाधिकरण को रेफरेंस किया गया है, 11/97 से 7/2000 तक की अवधि का 740 रु. मासिक दर से भुगतान किया है जबकि उसको द्विपक्षीय समझौते के अनुसार वेतन भत्ता देय रहा है जो नक्शा पत्रावली में प्रस्तुत है वह बैंक द्वारा सिविल प्रकरण में प्रस्तुत किया गया था जिसमें बैंक परिसर का क्षेत्रफल वर्णित है तथा बैंक परिपत्र दिनांक 5-1-98, 5-10-99 व 13-4-2000 पेश किये हैं जिनके अनुसार अपने पद के कार्य के अनुरूप देय वेतनमान व परिलाभ पाने की हकदार होते हुए आगे वह भी कथन किया है कि मुझे कनिष्ठ कर्मकार को अप्राथी द्वारा उक्त लाभ प्रदान किया जा चुका है, देय एरियर राशि पर 12 प्रतिशत ब्याज भी प्राप्त करने की अधिकारी हूँ। जिरह में प्राथिनी ने बताया है कि मैं पाचवीं कक्षा तक पढ़ी हूँ और केवल हिन्दी समझती हूँ तथा अंग्रेजी नहीं जानती हूँ, यह सही है कि स्टेट बैंक ऑफ इंडिया और स्टेट बैंक ऑफ बीकानेर एण्ड जयपुर दोनों बैंक अलग-अलग हैं, नौकरी पर रखने का कोई पत्र मेरे पास नहीं है, मैंने इसी नौकरी के सम्बन्ध में उच्च न्यायालय में भी मुकदमा किया था जो खारिज नहीं हुआ और यह मुकदमा मैंने यहाँ कर दिया है, मुझे पता नहीं है कि मेरी बैंक व दूसरी बैंकों में नियम अलग-अलग हो। यह गलत है कि मैं केवल झाड़ू बुहारी का काम ही करती हूँ यह सही है कि बैंक में 4 और चपरासी काम करते हैं, बैंक कहती है नीचे सफाई करें, मुझे एरिया के हिसाब से काम करने के लिये कभी नहीं कहा बल्कि मुझे तो पूरा काम कराते हैं, पता नहीं है कि दूसरे चपरासियों को कितना वेतन मिलता है मैं नहीं बता सकती कि यह नक्शा कहां से लाई।

इसी सम्बन्ध में प्राथी पक्ष के एक अन्य साक्षी प्रदीप पंवार का अपने शपथपत्र में बतलाना है कि वह कोटगेट शाखा एस. बी. बी. जे. बैंक का सफाई कर्मचारी है तथा दि बैंक ऑफ राजस्थान लि. उसकी बैंक के पास सामने स्थित है जहाँ वह चतुर्थ श्रेणी कर्मचारी है, इस साक्षी का यह बतलाना है कि बैंक ऑफ राजस्थान लि. में सफाई कर्मचारी के पद पर पिछले 20 वर्षों से सफाई कर्मचारी के पद पर महिला कर्मचारी है जिसे वह अपनी ड्यूटी के दौरान उक्त बैंक में कार्य करते हुए देखता चला आ रहा है, राजूदेवी से बैंक परिसर में सफाई का कार्य व चतुर्थ

श्रेणी कर्मचारी का कार्य बैंक प्रबन्धक द्वारा लिया जाता रहा है। उक्त बैंक करीब 5000 वर्ग गज परिसर में स्थित है जिसमें बैंक भवन निर्मित है जहाँ राजूदेवी अप्रैल 1981 से कार्य करती चली आ रही है और वह प्रतिदिन 8 से 10 घंटे बैंक में कार्य करती है तथा उसकी ड्यूटी स्थाई कर्मचारी के बतौर बैंक में रही है और प्राथिया को बैंक प्रबन्धतंत्र द्वारा उसके पद का कार्य स्थाई प्रकृति का होते हुए भी नियमित वेतनमान व नियमित सेवा का लाभ नहीं दिया जा रहा है। इस गवाह ने जिरह में स्वीकार किया है कि एस.बी.बी.जे. कोटगेट शाखा और बैंक ऑफ राजस्थान कोटगेट शाखा में जाने के लिये अलग-अलग रास्ते हैं, मैं क्लियरिंग शाखा में काम करता हूँ और सुबह 8 बजे बैंक आता हूँ और हमारे बैंक का कार्य समय सुबह दस बजे से शाम 5 बजे तक का है, यह भी कहता है कि मैं बैंक ऑफ राजस्थान कोटगेट शाखा में क्लियरिंग इंचार्ज को चैक देता हूँ जिनमें ब्रांच आफिसर श्री मोदारा आदि चैक लेते हैं परन्तु यह गलत है कि उसे वे 5 मिनट में ही फ्री कर देते हों, यह सही है कि बैंक ऑफ राजस्थान फस्ट फ्लोर पर है और हमारी शाखा तीन तल्ले में है, राजूदेवी मेरी चाची लगती है और यह गलत है कि मैं आज रिश्तेदारी के कारण झूठा बयान दे रहा हूँ, मैंने राजूदेवी की हाजरी नहीं लगावाई और ना ही उसके इन-आऊट का समय नोट किया। मैंने राजूदेवी के भुगतान के सम्बन्ध में कागजात देखे हैं तारीखें याद नहीं हैं।

8. इसी सम्बन्ध में अप्राथी पक्ष के साक्षी श्री सुआलाल शर्मा वरिष्ठ प्रबन्धक—अप्राथी बैंक की कोटगेट शाखा का बतलाना है कि बैंक में नियोजन की निर्धारित प्रक्रिया के अन्तर्गत सक्षम अधिकारी द्वारा श्रीमती राजूदेवी को कभी स्वीपर की नियुक्ति नहीं की गयी, हरिजन राष्ट्रीय जल मजदूर संघ (कांग्रेस) चुरू नाम की कोई यूनियन विपक्षी के यहाँ नहीं है, श्रीमती राजूदेवी ने स्वयं को ऑल बैंक सफाई कर्मचारी संघ का सदस्य बताकर एवम् यूनियन द्वारा प्रार्थनापत्र दि. 6-7-2000 देकर औद्योगिक न्यायाधिकरण एवम् श्रम न्यायालय, जयपुर में प्रस्तुत प्रार्थनापत्र प्रदर्श एम-1 है, जयपुर न्यायालय में मुकदमा सं. 49/99 में अवार्ड प्रदर्श एम-एम-2, यूनियन का पत्र प्रदर्श एम-3, होना बताते हुए आगे यह भी बताया कि अवार्ड की पालना में 16460 रु. का भुगतान 16-8-98 के जरिये पे आर्डर राजूदेवी ने प्राप्त किया था। राजूदेवी द्वारा सातवें द्विपक्षीय समझौते के अनुसार मांग का पत्र प्रदर्श एम-4 दिनांक 7-6-2000 का है जिस पर राजूदेवी के हस्ताक्षर हैं तथा एरियर भुगतान से कटौती करने का अधिकार पत्र प्रदर्श एम-5 है तथा अध्यक्ष का पत्र दिनांक 7-8-2000 प्रदर्श एम-6 है, रैसज्युडिकेटा के सिद्धान्त के आधार पर श्रीमती राजूदेवी को वही विवाद दुबारा उठाने का अधिकार प्राप्त नहीं है। प्राथी पक्ष की ओर से माननीय राजस्थान उच्च न्यायालय में प्रस्तुत रिट याचिका प्रदर्श-6 एवम् उसे बिना शर्त वापिस लेकर खारिज करवाने का आदेश प्रदर्श-7 भी पेश किया है। यह गलत है कि श्रीमती राजूदेवी बैंक संस्थान राजस्थान स्टेट बैंक वर्क्स आर्गनाइजेशन बीकानेर यूनिट की सक्रिय सदस्या रही हो, उसने ऐसी कोई सूचना अप्राथी को कभी नहीं दी, राजस्थान बैंक लि. के नाम से कोई बैंक विद्यमान नहीं है, नियमित पद ही नहीं है तो नियमित नियुक्ति का प्रश्न ही पैदा नहीं होता है। यह गलत है कि प्राथिनी की ड्यूटी अप्राथी संस्थान में प्रतिदिन आठ घंटे की स्थाई प्रकृति के कार्य पर हो और यह भी गलत है कि प्राथिया व अप्राथी का सम्बन्ध बतौर कर्मकार एवम् नियोजक का रहा हो, यह

गलत है कि अप्राथी औद्योगिक संस्थान है जहाँ प्राथिया कर्मकार के पद पर कार्यरत हो और वर्तमान में ऐसा कोई समझौता प्रभावी नहीं है जिसमें कार्य करने के परिक्षेत्र के हिसाब से 1/3 वेतनमान का प्रावधान हो और प्राथिया सेवा अवधि के अनुरूप नियमित सेवा तथा पद के वेतनमान के लाभ को प्राप्त करने की विधिक हकदार हो, प्राथिया को देय भुगतान उसके प्रति साप्ताहिक कार्य समय के अनुरूप के आधार पर किया जा चुका हो, प्राथिया ने जिस अवधि में भी कार्य किया है वह हमेशा अंशकालीन कार्य ही किया है जो कभी भी 45 से 50 मिनट प्रतिदिन से अधिक समय का नहीं रहा। प्राथिया को देय समस्त राशि उसे दी जा चुकी है। 1-4-1982 से स्थाईकरण या वेतनमान प्राप्त करने की वह अधिकारिणी नहीं है। इस साक्षी के अनुसार प्राथिया का परिवार प्रथा अनुसार इस प्रमिसेज से जुड़ा होने के कारण वह उससे बंधी है और अन्य मोहल्लों की प्रमिसेज से बंधी है जहाँ वह घर बंटे होने के कारण काम करती है और अन्य कोई हरिजन नहीं जा सकता है। इसी क्रम में प्राथिया अप्राथी के पास अंशकालिक स्वीपर का कार्य करती है जो 40-50 मिनट प्रतिदिन से अधिक नहीं रहता तथा वह अपनी सुविधा से बैंक का कार्य शुरू होने से पूर्व ही झाड़ू लगाकर चली जाती है, उसे अन्य लोगों के प्रमिसेज भी संभालने होते हैं और वह अन्य लोगों के यहाँ अतिरिक्त कार्य करती है फिर भी वह बैंक द्वारा समय-समय पर दिये गये लाभ, एरियर प्राप्त कर चुकी है, बोनस भी प्राप्त कर चुकी है और उसने यह छुपाया है कि अनेक बार वह स्वयं भी कार्य के लिए नहीं आती और अपने परिवार के अन्य सदस्य को भेज देती है। 18-8-99 को हुआ समझौता निरस्त करना बतलाते हुए सातवें द्विपक्षीय समझौता 27-3-2000 के प्रावधान लागू करने के निर्देश परिपत्र 17-8-2001 जारी किये गये जो सभी अंशकालीन व्यक्तियों जिनमें श्रमिका राजूदेवी भी सम्मिलित है, ने स्वीकार कर लिये, नियुक्ति की निर्धारित प्रक्रिया से नियुक्त नहीं होने के कारण राजूदेवी का कोई अधिकार नियमितकरण का या चतुर्थ श्रेणी कर्मचारी का पद प्राप्त करने का नहीं है तथा तीन घंटे से अधिक व 6 घंटे से कम सप्ताह में कार्य करने वाले अंशकालीन कर्मचारी को 740 रु. प्रतिमाह के अनुसार भुगतान किया जाता है जो प्राथिया ने बिना एतराज के प्राप्त कर लिया है। नियोजक के इस गवाह ने जिरह में श्रमिका द्वारा अभी भी बैंक में सफाई का कार्य करना अर्थात् स्वीपिंग का कार्य करना स्वीकार किया है और यह कार्य 1981 से करना भी स्वीकार करते हुए आगे यह बताया है कि वह सफाई के लिये रोजाना 40-50 मिनट आती है, इस सम्बन्ध में बैंक और राजूदेवी के मध्य कोई करार या अनुबन्ध नहीं हुआ है, वह तो मात्र सफाई करने के लिये ही सुबह साढ़े नौ बजे आती है जिसके बाबत बैंक ने कोई आदेश जारी नहीं किया है, यह सही है कि नक्शे में बैंक का क्षेत्र 2642 वर्गफुट का है जो कि प्रदर्श डब्लू. 4 है, राजूदेवी को सातवें द्विपक्षीय समझौते के तहत एरियर राशि का भुगतान होने को भी स्वीकार किया है।

9. विद्वान पक्षकारों की बहस एवम् पत्रावली के अवलोकन से हम देखते हैं कि प्राथिनी ने दिनांक 1-4-1981 से अप्राथी बैंक में अपनी नियुक्ति होने बाबत कोई आदेश प्रस्तुत नहीं किया है एवम् अप्राथी बैंक ने प्राथिनी को नियुक्ति देने से इन्कार भी किया है। हालांकि अप्राथी पक्ष ने यह स्वीकार किया है कि वर्ष 1981 से प्राथिनी काम पर आ रही है और सफाई का काम करती है परन्तु साथ ही साथ अप्राथी के

गवाह ने यह भी बताया है कि राजूदेवी बैंक में रोजाना केवल 40-50 मिनट आती है और इस कार्य के लिये कोई अनुबन्ध नहीं है तथा कोई विशिष्ट आदेश नहीं है। नियोजक पक्ष की साक्ष्य से यह पाया जाता है कि बैंक में केवल 1500 वर्ग फिट क्षेत्र में ही सफाई कार्य होता है जहाँ सफाई की जाती है और नक्शा प्रदर्श-डब्लू. 4 में बताये गये 2642 वर्ग फिट का शेष भाग रिकार्ड रखा होने के कारण बन्द रहता है जहाँ पर सफाई कार्य नहीं होता है। ऐसी स्थिति में यह भली प्रकार प्रामाणिक है कि प्राथिनी को अप्राथी बैंक प्रबन्धतंत्र के साथ हुए समझौते की पालना में क्षेत्रफल के आधार पर सफाई कार्य का भुगतान अंशकालीन तौर पर किया जा रहा है। बैंक में प्राथिनी की नियुक्ति विधिवत प्रक्रिया के अनुसार होनी प्रमाणित नहीं हुई है एवम् प्रस्तुत रिकार्ड से भी प्राथिनी को सफाई कार्य का भुगतान बराबर किया जा रहा है। जहाँ तक एस.बी.बी.अ. का स्वयं के बैंक कर्मियों के साथ समझौता होने का प्रश्न है वह इस प्रकरण पर लागू नहीं होता है एवम् प्राथिनी ने माननीय उच्च न्यायालय में प्रस्तुत रिट याचिका प्रदर्श एम-6 द्वारा वापिस ली है एवम् केन्द्रीय औद्योगिक अधिकरण एवम् श्रम न्यायालय, जयपुर में प्रस्तुत वाद के अनुसार प्राथिनी को प्रदर्श एम-2 के अनुसार प्रबन्धतंत्र के साथ हुए समझौते का लाभ दे दिया गया है अतः उसी अनुतोष को दुबारा प्राथिनी नहीं मांग सकती है। जहाँ तक प्राथिनी द्वारा 8 घण्टे अर्थात् पूरे दिन बैंक में कार्य करने का प्रश्न है इस सम्बन्ध में बैंक का कोई ऐसा आदेश या उपस्थिति पत्र प्रस्तुत नहीं किया गया है एवम् इस सम्बन्ध में प्रतीप पंवार के बयान पर विश्वास नहीं किया जा सकता क्योंकि प्राथिनी इस गवाह की चाची लगती है एवम् गवाह प्रदीप पंवार प्राथी पक्ष की ओर से हितबद्ध साक्षी है। इन हालात में प्राथिनी राजूदेवी अप्राथी संस्थान में कार्यरत एवं अंशकालीन कर्मकार पायी जाती है, जिसको नियमित नियुक्ति एवम् वेतनमान विधि के किस प्रावधान के अन्तर्गत दिये जावे-इसे स्वयं प्राथी पक्ष ने भी स्पष्ट नहीं किया है। अप्राथी पक्ष की ओर से निम्न न्यायदृष्टांत पेश किये गये हैं :

(1) 1998 लेब.आई.सी. 2872—पंजाब राज्य एवम् अन्य

बनाम

सुभाष चन्द्र ओबेराय व अन्य

के प्रकरण में माननीय पंजाब एवम् हरियाणा उच्च न्यायालय द्वारा,

(2) 1998 लेब.आई.सी. 3305—अहमदाबाद म्यूनिसिपल कार्पोरेशन

बनाम

अहमदाबाद म्यूनिसिपल नाकेर मंडल व अन्य

के प्रकरण में माननीय गुजरात उच्च न्यायालय द्वारा,

(3) 1998 (II) सी.एल.आर. 385—अशोक कुमार श्रीवास्तव

बनाम

नेशनल इश्योरेंस कं. लि. व अन्य

में माननीय उच्चतम न्यायालय द्वारा

(4) 1998 (I) एल.एल.एन.141—अशोक एवम् अन्य

बनाम

महाराष्ट्र स्टेट ट्रांसपोर्ट कार्पोरेशन व अन्य

में माननीय बम्बई उच्च न्यायालय द्वारा, और

(5) 2000 (III) सी.एल.आर. 32—हरी फटीलाईजर्स

बनाम

उत्तर प्रदेश राज्य व अन्य

में माननीय उच्चतम न्यायालय द्वारा

प्रतिपादित सिद्धान्त के आधार पर अप्रार्थी पक्ष की ओर से यह भी तर्क दिया गया है कि प्राथिनी नियमित वेतनमान एवम् स्थाईकरण आदि का कोई लाभ प्राप्त करने की अधिकारिणी नहीं है क्योंकि वह प्रति सप्ताह कार्य समय के आधार पर भुगतान प्राप्त करने वाली अंशकालीन कर्मकार ही है और अप्रार्थी संस्थान में नियोजन हेतु निर्धारित प्रक्रिया के अनुसार उसकी नियुक्ति भी नहीं हुई है। बैंक में कर्मकार की नियुक्ति हेतु एक निर्धारित प्रक्रिया है एवम् बैंक में नियुक्तियाँ चयन बोर्ड द्वारा ही की जाती हैं और प्राथिनी की नियुक्ति चयन बोर्ड द्वारा नहीं हुई है और प्राथिनी को प्रदर्श एम-2 की पालना में बैंक प्रबन्धन द्वारा किये गये कार्य के आधार पर उचित भुगतान किया जा रहा है अतः प्राथिनी नियमित नियुक्ति या अन्य कोई भी राशि प्राप्त करने की अधिकारिणी नहीं है।

10. अतः भारत सरकार द्वारा प्रेषित इस प्रसंग को उत्तरित करते हुए यह पंचाट इस प्रकार से पारित किया जाता है कि बैंक ऑफ राजस्थान लि. बीकानेर के प्रबन्धन द्वारा प्राथिनी श्रमिका की सेवाओं को नियमित नहीं करना एवम् स्वीपर के वेतनमान का 1/3 वेतन नहीं देना उचित एवम् वैध था परिणामतः प्राथिनी श्रमिका जोकि अप्रार्थी संस्थान में कार्यरत केवल मात्र अंशकालीन कार्य करने वाली कर्मकार है जिसे उसके अंशकालीन किये गये कार्य के आधार पर उचित भुगतान किया जा रहा है और वह कोई राहत अथवा राशि प्राप्त करने की अधिकारिणी नहीं है।

उक्त अधिनियम अधिनियम की धारा 17(1) के अन्तर्गत केन्द्रीय सरकार को प्रकाशनार्थ भेजा जावे।

11. आज्ञा आज दिनांक 20-10-05 को विवृत न्यायालय में सुनाई गई।

के. एल. माथुर, न्यायाधीश

नई दिल्ली, 1 मार्च, 2006

का. आ. 1158.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर पश्चिमी रेलवे के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, बीकानेर के पंचाट (संदर्भ संख्या 1/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-2-2006 को प्राप्त हुआ था।

[सं. एल-41012/161/2002-आई. आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 1st March, 2006

S.O. 1158.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1/2004) of the Industrial Tribunal, Bikaner now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of North West Railway and their workman, which was received by the Central Government on 28-2-2006.

[No. L-41012/161/02-IR (B-I)]

AJAY KUMAR, Desk Officer

अनुबंध

औद्योगिक विवाद अधिकरण, बीकानेर

पीठासीन अधिकारी :

श्री के. एल. माथुर, आर. एच. जे. एस.

नं. मु. केन्द्रीय औद्यो. वि. प्रसंग सं. 1 सन् 2004

गोपालचन्द्र पुत्र श्री जमनाधर जाति सेन निवासी वार्ड नं. 18, पिलानी रोड, सादुलपुर, जिला चुरू हाल कार्यरत कर्मचारी, बलासी टी. एल. सूरतगढ़ जरिये अधिकृत प्रतिनिधि

.... प्रार्थी पक्ष

विरुद्ध

1. मण्डल रेल प्रबन्धक, उत्तरी पश्चिमी रेलवे, बीकानेर।
2. मण्डल कार्मिक अधिकारी, उत्तरी पश्चिमी रेलवे, बीकानेर।
3. मण्डल अभियन्ता (विद्युत) उत्तरी पश्चिमी रेलवे, सादुलपुर, मण्डल-बीकानेर

—अप्रार्थीगण—नियोजक

प्रसंग अन्तर्गत धारा 10 (1) (घ), औद्योगिक विवाद अधिनियम, 1947

उपस्थिति :

1. श्री संतोष कुमार सैनी, श्रमिक, प्रतिनिधि, प्रार्थी पक्ष के लिये।
2. श्री एस. पी. जोशी, अधिवक्ता, अप्रार्थीगण—नियोजक पक्ष के लिये।

अधिनियम

दिनांक 13 दिसंबर, 2005

श्रम मंत्रालय, भारत सरकार, नई दिल्ली द्वारा औद्योगिक विवाद अधिनियम, 1947 (जिसे आगे चलकर केवल अधिनियम कहा जावेगा) की धारा 10 की उप धारा (1) के खण्ड (घ) के अधीन जारी अधिसूचना क्रमांक एल-41012/161/2002 आई. आर. (बी-1) दिनांक 21-10-2003 के द्वारा श्रमिक गोपालचन्द्र के सेवा संबंधित प्रेषित विवाद को समसंख्यक शुद्धिपत्र दिनांक 17 नवंबर, 2003 द्वारा इस न्यायाधिकरण

में अधिनिर्णयार्थ भेजा था, भारत सरकार द्वारा प्रेषित यह विवाद निम्नानुसार पड़े जाने योग्य है :

“Whether the action of the management of Northern Railway, Bikaner is not granting the date of appointment as 1-1-80 and also not giving the benefits, accordingly w.e.f. said date Shri Gopal Chander is justified? If not, what relief the applicant is entitled and from which date?”

2. प्रसंग प्राप्त होने पर प्रकरण दर्ज रजिस्टर किया गया और दोनों पक्षकारों द्वारा अपने-अपने लिखित अभिकथन पेश किये गये हैं अर्थात् प्रार्थी श्रमिक की ओर से प्रस्तुत क्लेम का जवाब अप्रार्थीगण द्वारा पेश किया गया है।

3. संक्षेप में प्रकरण के तथ्य इस प्रकार से बतलाये गये हैं कि प्रार्थी पक्ष की ओर से इस आशय का एक क्लेम प्रस्तुत किया गया है कि प्रार्थी श्रमिक गोपालचन्द (जिसे आगे चलकर केवल प्रार्थी श्रमिक कहा गया है) अप्रार्थीगण के अधीन भारतीय रेल सेवा के नियोजन में 9-4-78 को कैजुअल लेबर कर्मकार के रूप में बीकानेर मण्डल के अधीन लोको सादुलपुर के नियंत्रण में नियुक्त हुआ था और अपनी नियुक्ति तिथि से सेवा का अंजाम पूर्ण लगन एवम् कर्तव्य निष्ठापूर्वक अदा करने तथा उसकी सेवा पूर्णतया संतोषप्रद पाये जाने पर उसे अप्रार्थी नियोजकगण द्वारा 1-1-80 से सी पी सी स्केल का लाभ प्रदान करते हुए 196 रु. वेतन पर स्थिर किया जाकर फिटर खलासी लोको के पद पर पद स्थापित किया जिस पर वह नियमित कार्यरत होने से विभागीय स्क्रीनिंग एवम् मेडिकल टेस्ट में सफल घोषित होने पर वह दिनांक 1-1-80 से नियमित संवर्ग एवम् पद के वेतन श्रृंखला को प्राप्त करने का अधिकारी हो गया था; प्रार्थी को उसके सेवाभिलेख में अप्रार्थी नियोजकगण द्वारा 1-1-80 से फिटर खलासी लोको के पद पर न दर्शाते हुए उसे 17-5-80 से टेम्पोरेरी स्टेटस तथा 6-2-88 से फिटर खलासी के पद पर माना गया जबकि वह 1-1-80 से ही फिटर खलासी के पद का कार्य संपादित करता चला आ रहा है परन्तु उसके सेवाभिलेख में उसे 6-2-88 से नियुक्ति की तिथि मानकर फिटर खलासी के पद का वेतनमान 750-940 दर्शाया एवम् 17-5-80 से वेतनमान 196-232 में स्थिर किया जाकर 1-1-86 से 750-940 का लाभ दिया और यह समस्त कार्यवाही प्रार्थी के वेतन में विसंगति जानबूझकर उत्पन्न की गई जिसे वह दुरुस्त करवाने का विधिक हकदार है। प्रार्थीगण के अनुसार नियोजकगण द्वारा उसके सेवाभिलेख में उसके कार्य पद के अनुरूप अंकन न करने के कारण प्रार्थी अपने भावी सेवा लाभ से वंचित होते हुए अपने साथी कर्मचारियों से पिछड़ गया है और उसकी सेवा पर भी प्रतिकूल असर पड़ते हुए आर्थिक नुकसान पहुंचाया जा रहा है जिस तथ्य का इल्म होने पर प्रार्थी द्वारा सम्यक अभ्यावेदन अप्रार्थी को प्रस्तुत किये जिन पर कोई कार्यवाही अप्रार्थीगण द्वारा न कर उसकी वाजिब मांग का निस्तारण जानबूझकर नहीं किया गया, परिणामस्वरूप उससे कनिष्ठ कर्मकार को उच्च वेतनमान का लाभ प्रदान कर दिया गया है। प्रार्थी अपनी सेवा एवम् पद के कार्य के अनुरूप दिनांक 1-1-80 से फिटर खलासी के पद का कार्य संपादित करने के कारण उक्त पद के देय परिलाभ वेतनमान 750-940 तथा समय-समय पर संशोधित

वेतनमान जो वर्तमान में 2650-4000 प्रार्थी प्राप्त करता जो नियोजकगण की गलत कार्यवाही के कारण प्रार्थी को प्राप्त नहीं हुआ जबकि उससे कनिष्ठ कर्मकार सर्वश्री सतार जो ठेकेदार के अधीन खलासी के पद पर कार्यरत था तथा 1979 में लोको सादुलपुर में पदस्थापित होने से उक्त कनिष्ठ कर्मकार को अप्रार्थी द्वारा उच्च पद के चयनित वेतनमान तथा 12 वर्ष की सेवावधि प्रथम नियुक्ति तिथि से मानकर फिटर ग्रेड तृतीय के पद पर पदोन्नति देते हुए 3050-4590 का लाभ दिया गया एवम् इसी प्रकार अन्य कनिष्ठ महेन्द्र नायक, जमनाराम, अजमल हुसैन व राजराम, किशन हैल्पर जो 85-86 में नियोजित हुए को भी उक्त वेतनमान का लाभ प्रदान किया जा चुका है इस प्रकार समान वेतनमान कार्य के प्रतिकूल प्रार्थी को उससे कनिष्ठ कर्मकार से निम्न वेतनमान का लाभ देकर उसके साथ भेदभाव की नीति अपनाते हुए उसको उसके हक एवम् लाभ से वंचित रखा है, प्रार्थी भी अपनी नियुक्ति तिथि से 12 वर्ष की सेवा पर प्रथम चयनित वेतनमान 2650-4000 के स्थान पर 3050-4590 का लाभ 1-1-92 से प्राप्त करने का अधिकारी है। अंत में 1-1-80 से फिटर खलासी के पद का वेतनमान एवम् 12 वर्ष की सेवा पूर्ण होने पर 3050-4590 का वेतनमान एवम् देय सभी लाभ अपने से कनिष्ठ कर्मकारों सर्वश्री सतार आदि के समान दिलाये जाने की प्रार्थना की गयी है एवम् सेवाभिलेख में नियुक्ति तिथि 1-1-80 दुरुस्त करने की प्रार्थना भी की गयी है।

4. अप्रार्थीगण-नियोजक पक्ष द्वारा प्रस्तुत जवाब दावे में प्रकरण का प्रतिवाद करते हुए यह अंकित किया गया है कि प्रार्थी को 9-4-78 को लोको फोरमैन सादुलपुर द्वारा केजुअल लेबर के रूप में नियुक्त किया गया था, तथा प्रार्थी द्वारा 9-4-78 से 6-5-78 तक 28 दिन, 7-5-78 से 5-7-78 तक 60 दिन, 9-8-78 से 2-9-78 तक 25 दिन, 10-1-80 से 12-8-80 तक 215 दिन केजुअल लेबर के रूप में कार्य किया गया था, 10-1-80 से 12-8-80 तक की कार्य अवधि में रेलवे बोर्ड द्वारा निदेश मुद्रित क्रम सं. 7850 के अनुसार प्रार्थी द्वारा 120 दिन की लगातार सेवा पूर्ण करने के पश्चात् 17-5-80 से उसे सी. पी. सी. स्केल का लाभ प्रदान किया गया और वह 17-5-80 से सी. पी. सी. स्केल में केजुअल लेबर के रूप में कार्यरत था न कि दिनांक 1-1-80 से वस्तुतः वह रेल विभाग में 3-9-78 से 9-1-80 तक कार्यरत ही नहीं था, अन्य सभी तथ्यों को अस्वीकार करते हुए 1987-88 में बीकानेर मण्डल पर अन्य केजुअल लेबर के साथ स्क्रीनिंग के फलस्वरूप उसे लोको खलासी के पद पर फिट घोषित किये जाने पर और प्रार्थी द्वारा स्वीकार किये जाने पर उसे नियमित चतुर्थ श्रेणी पद फिटर खलासी के पद पर वेतन श्रृंखला 196-232/750-940 में नियमित नियुक्ति पत्र दिनांक 5-2-88 के द्वारा दी गयी है, अतः उसकी नियमित नियुक्ति तिथि 6-2-88 ही है न कि 1-1-1980। अप्रार्थीगण का जवाब है कि भारतीय रेल स्थापना मेनुअल भाग-1 1989 के पैरा सं. 320 के अनुसार वरीयता केवल नान-फॉरचुअस सेवा के आधार पर ही होती है और नान-फॉरचुअस सेवा का अर्थ है “वह सेवायें जो नियमित नियुक्ति तिथि अथवा नियमित पदोन्नति के बाद की गयी हो” चूंकि प्रार्थी की स्क्रीनिंग 1987 में की गयी थी और स्क्रीनिंग के पश्चात् जारी मेरिट सूची में वरीयता का निर्धारण पैनल में प्राप्त मेरिट पोजीशन के अनुसार किया जाता है और पैनल में प्रार्थी से जूनियर किसी भी श्रमिक को प्रार्थी से पूर्व पदोन्नत

नहीं किया गया है। अप्राथीगण के अनुसार 3-9-78 से 9-1-80 तक प्रार्थी रेल विभाग में कार्यरत ही नहीं था अतः वह 1-1-80 से कोई लाभ प्राप्त करने का अधिकारी नहीं है, श्री सत्तार नाम का कोई व्यक्ति रेल विद्युत विभाग में कार्यरत नहीं है, तथा महेन्द्र अनुसूचित जन जाति से संबंधित होने के कारण उसकी नियमित नियुक्ति निर्धारित कोटे के अन्तर्गत लोको विभाग में लोको फिटर खलासी के पद पर दिनांक 14-3-80 को हुई थी, अतः इन दोनों की वरियता की तुलना किये जाने का कोई औचित्य नहीं है, राजाराम या किशन नाम का कोई व्यक्ति या कर्मचारी हेल्पर के पद पर रेल विद्युत विभाग बीकानेर मण्डल में कार्यरत नहीं है तथा अजमल हुसैन के दया के आधार पर विद्युत विभाग में विद्युत खलासी के पद पर नियुक्त करना बतलाते हुए यह भी अंकित किया गया है कि 1996 में दोनों मान्यता प्राप्त यूनियन के साथ मिटिंग में 10-1-96 को एक संयुक्त निर्णय लिया गया था एवम् मिटिंग के मिनट्स के आधार पर तैयार संयुक्त निर्णय पत्र दिनांक 10-2-96 के अनुसार विद्युत विभाग के कर्मचारियों की वरियता, लोको विभाग से विद्युत विभाग में रिडिप्लायमेंट कर्मचारियों से अलग रखी गयी है और अजमल हुसैन को उसकी वरियता के अनुसार उच्च वेतनमान में उपलब्ध रिक्ति के विरुद्ध पत्र दिनांक 21-12-93 द्वारा पदोन्नत किया गया था, प्रार्थी को उसके किसी हक या लाभ से वंचित नहीं किया गया, प्रार्थी की नियुक्ति विद्युत विभाग में लोको से रिडिप्लायमेंट के आधार पर की गयी थी और दोनों की अलग-अलग वरियता सूचियाँ होने व स्पष्ट दिशा निर्देश होने के कारण तुलना किया जाना उचित एवम् न्यायोचित नहीं है। प्रार्थी कोई अनुतोष प्राप्त करने का अधिकारी नहीं है। अतिरिक्त कथनों में यह भी अंकित किया गया है कि लोको फोरमेन सादुलपुर प्रकरण में आवश्यक पक्षकार है जिन्हें पक्षकार नहीं बनाये जाने से प्रार्थनापत्र निरस्त किया जाने योग्य है, प्रार्थी द्वारा क्लेम 24 वर्ष से अधिक अवधि व्यतीत होने के बाद प्रस्तुत किया है, प्रार्थी को देय लाभ प्रदान किये जा चुके हैं, अप्राथीगण के अनुसार कोई भी कर्मचारी निरन्तर 120 दिन की सेवावधि पूर्ण कर लेने मात्र से रेलवे में स्थाई नियुक्ति या रेल में स्थाई कर्मचारियों को प्राप्त होने वाले लाभ व सुविधाएं प्राप्त करने का पात्र नहीं हो जाता जब तक कि वह चयन के लिये निर्धारित प्रक्रिया से गुजरकर चयन सूची व मैरिट में पोजीशन प्राप्त नहीं कर लेता, रेफरेन्स प्रार्थी नाम से प्रेषित किया हुआ है और यह किसी संघ के नाम से प्रेषित नहीं होने से प्रार्थी के व्यक्तिगत नाम का रेफरेन्स अधिनियम के तहत विवाद की श्रेणी में नहीं आने से चलने योग्य नहीं है एवम् प्रार्थी द्वारा अपना क्लेम जिस यूनियन के अधिकृत प्रतिनिधि के जरिये न्यायालय में प्रस्तुत किया है प्रार्थी उस यूनियन का सदस्य नहीं रहा है इसलिये प्रार्थी यूनियन के अधिकृत प्रतिनिधि के माध्यम से स्टेटमेंट ऑफ क्लेम पेश करने का अधिकारी नहीं है और न ही कथित यूनियन को प्राप्ता का विवाद उठाने का अधिकार है अतः प्रार्थी का क्लेम स्वरूप निरस्त किये जाने की प्रार्थना की गयी है।

5. पक्षकारों द्वारा अपने-अपने पक्ष समर्थन में प्रस्तुत साक्ष्य के दौरान स्वयं प्रार्थी श्रमिक गोपालचन्द द्वारा साक्ष्य में अपना शपथपत्र पेश किया है जिसके विपरीत अप्राथी नियोजक पक्ष की ओर से सर्वश्री चतुर्भुज सुधार, वरिष्ठ हित निरीक्षक एवम् मधाराम सुधार कार्यालय अधीक्षक के शपथपत्र पेश किये गये हैं, एक-दूसरे पक्ष द्वारा प्रस्तुत साक्षी से

प्रत्येक पक्ष द्वारा जिरह की गयी है और प्रलेखीय साक्ष्य भी पेश की गयी है।

6. विद्वान पक्षकारों की बहस सुनी गयी एवम् पत्रावली का अवलोकन किया गया, हमारे समक्ष लंबित इस प्रसंग के निस्तारण के लिये प्रमुख रूप से विचारणीय प्रश्न यही है कि नोर्दन रेलवे बीकानेर के प्रबंधतंत्र द्वारा प्रार्थी श्रमिक गोपालचन्द की नियुक्ति दिनांक 1-1-80 नहीं मानना और तदनुसार लाभ प्रदान नहीं करना उचित है और यदि नहीं तो प्रार्थी श्रमिक क्या राहत प्राप्त करने का अधिकारी है ?

इस बिन्दु को सिद्ध करने का भार प्रार्थी श्रमिक पक्ष पर था, इस संबंध में साक्ष्य के दौरान प्रस्तुत अपने शपथपत्र में प्रार्थी श्रमिक गोपालचन्द का अपने क्लेम में वर्णित तथ्यों की पुनरावृत्ति करते हुए बतलाना है कि वह भारतीय रेल सेवा के नियोजन में अप्राथीगण के अधीन 9-4-78 को केजुअल लेबर के रूप में बीकानेर मण्डल के अधीन लोको सादुलपुर में नियुक्त हुआ और अपनी नियुक्ति तिथि से लगातार बिना किसी व्यवधान के कार्यरत कर्मकार नियोजित रहते हुए 120 दिवस की सेवा निर्बाध रूप से पूर्ण करने पर अप्राथी नियोजक द्वारा सी. पी. सी. स्केल 196-232 का लाभ दिया जाकर फिटर खलासी लोको के पद पर पदस्थापित किया, उसके द्वारा अपनी सेवा का अंजाम पूर्ण लगन एवम् कर्तव्य निष्ठापूर्वक अदा करने पर अप्राथी द्वारा की गई स्त्रीनिंग, मेडिकल टेस्ट में सफल होने पर उसे निमित्त संवर्ग में लिया गया और वह सेवा में नियुक्ति के आधार पर 1-1-80 से अपने पद पर नियमित कर्मकार घोषित होते हुए पद की वेतन शृंखला 196-232 से 750-940 को तथा नियुक्ति तिथि से 12 वर्ष की सेवा अवधि पूर्ण करने पर 1-1-92 से नियमानुसार देय वेतनमान को प्राप्त करते हुए वेतन शृंखला 3050-4590 को प्राप्त करने का हकदार है। अप्राथी नियोजक द्वारा उसे 17-5-80 से वेतनमान 196-232 तथा 1-1-86 से 750-940 तत्पश्चात् 6-2-88 से वेतनमान 2650-4000 का लाभ दिया गया है जबकि वह अपनी नियुक्ति तिथि से 120 दिवस की निर्बाध सेवा पूर्ण करने पर यह लाभ प्राप्त करने का अधिकारी हो गया जो लाभ उसे न देकर उससे कनिष्ठ कर्मकार सतार पुत्र मंगतुखी, महेन्द्र नायक, अजमल हुसैन राजाराम व किशन को देना बताया है जो आज भी अप्राथी के नियोजन में नियोजित होते हुए उससे अधिक वेतनमान 3050-4590 प्राप्त कर रहे हैं जबकि वह उपरोक्त कर्मकारों से वरिष्ठ योग्य एवम् कार्यकुशल कर्मकार रहा है। प्रार्थी ने अपनी नियुक्ति के सम्बन्ध में अप्राथी द्वारा जारी नियोजन का प्रदर्श डब्लू. 1 पेश करते हुए स्वयं को प्रदर्श डब्लू. 2 से पदोन्नति वेतनमान 2550-3200 से 2650-4000 का लाभ वर्ष 2000 से दिया जाना बताया है और यह कथन किया है कि वह उक्त परिलाभ 1-1-92 से ही प्राप्त करने का अधिकारी है और साथी कर्मकारी को चयनित वेतनमान 3050-4590 वर्ष 1999 से प्राप्त करने का अधिकारी है जो समय पर अदा नहीं करने से उसको आर्थिक नुकसान हुआ है जिसके प्रतिकार स्वरूप वह देय एरियर राशि पर 12 प्रतिशत वार्षिक दर से ब्याज भी प्राप्त करने का अधिकारी है। आगे यह भी सशपथ कथन किया है कि उसकी सेवा उपस्थिति का मूल अभिलेख अप्राथीगण के कब्जा व अधिकार में रहा है जो तलबी प्रार्थनापत्र पर भी प्रस्तुत नहीं किया गया है, अप्राथी द्वारा उसके लोको कार्य अवधि का विवरण अपनी जवाबदेही के तथ्यों से परे होने के कारण 9-4-78 से 10-1-80 तक के

अभिलेख को छुपाया है एवम् सतार आदि अन्य कर्मचारों का समस्त सेवाभिलेख व नियोजन कार्य अवधि का विवरण भी जानबूझकर प्रस्तुत नहीं किया है। प्रति परीक्षण में गवाह प्रार्थी श्रमिक ने बतलाया है कि प्रदर्श एम-1 केजुअल लेबर कार्ड मेरा ही है इस पर प्रदर्श डब्ल्यू. 1 भी अंकित है, में 9-4-78 से रेग्युलर चल रहा हूँ, यह कहना गलत है कि मैंने दिनांक 3-9-78 से 9-1-80 के बीच की अवधि में कोई काम नहीं किया हो, मेरे कार्ड में 3-9-78 से 9-1-80 के बीच की अवधि में काम नहीं किये जाने का इन्दराज प्रदर्श एम-1 व प्रदर्श डब्ल्यू. 1 में अंकित किये जाने की शिकायत डी. पी. ओ. को की थी, शिकायत कब व किस तारीख को की याद नहीं है और उसकी प्रति साथ नहीं लाया हूँ, यह कहना गलत है कि 10-1-80 से 12-8-80 तक मात्र 215 दिन ही काम किया हो, मेरी स्क्रीनिंग हनुमानगढ़ में वर्ष 1987 में हुई थी जिसमें मेरा पांचवा नंबर था, मैंने अपनी मांग मजदूर यूनियन "यू. आर. एम. यू." के माध्यम से उठाई थी, लोको वर्ष 1994 में समाप्त हुआ था और लोको टूटते ही मुझे बिजली विभाग में लगा दिया था, अजमल हुसैन मेरे से बाद में वर्ष 1979 में लगा था लेकिन वह सीधे ही बिजली विभाग में लगा था, यह कहना गलत है कि मुझे सभी लाभ दे दिये हों, मेरे से जूनियर सुलेमान, मोहनसिंह (सूरतगढ़) और अन्य के नाम याद नहीं है जो लाभ दे दिया गया है।

7. इसी संबंध में अप्रार्थी पक्ष की ओर प्रस्तुत साक्ष्य के दौरान दो साक्षीगण श्री चतुर्भुज सुधार वरिष्ठ हित निरीक्षक एवम् मधाराम सुधार कार्यालय अधीक्षक के शपथपत्र पेश किये गये हैं, साक्षी चतुर्भुज सुधार ने साक्ष्य के दौरान प्रस्तुत अपने शपथपत्र में जवाब क्लेम के तथ्यों की पुनरावर्ती करते हुए प्रार्थी गोपालचन्द का केजुअल लेबर का कार्ड प्रदर्श एम-1 पेश करते हुए बताया है कि प्रार्थी गोपालचन्द की नियुक्ति लोको फोरमेन सादुलपुर के अधीन 9-4-78 को केजुअल लेबर के रूप में की गयी थी और उसके द्वारा दिनांक 9-4-78 से 6-5-78 तक 28 दिन, 7-5-78 से 5-7-78 तक 60 दिन, 9-8-78 से 2-9-78 तक 25 दिन एवम् 10-1-80 से 12-8-80 तक 215 दिन कार्य किया गया था, कार्ड की फोटो प्रति प्रदर्श एम-1 (ए) है जिस पर X स्थान पर प्रार्थी का अंगूठा निशान है, प्रार्थी द्वारा दिनांक 3-9-78 से 9-1-80 तक की अवधि में कभी भी रेलवे विभाग में काम नहीं किया, 10-1-80 से 12-8-90 तक की कार्य अवधि के दौरान रेलवे बोर्ड के निर्देश मुद्रित क्रम संख्या 7850 के अनुसार प्रार्थी द्वारा 120 दिन की लगातार सेवा पूर्ण करने के पश्चात् दिनांक 17-5-80 से उसे सी. पी. सी. स्केल का लाभ प्रदान किया गया था, प्रार्थी 17-5-80 से सी. पी. सी. स्केल में केजुअल लेबर के रूप में कार्यरत था न कि दिनांक 1-1-80 से, रेलवे बोर्ड का निर्देश मुद्रित क्रम सं. 7850 प्रदर्श एम-2 है जिसकी प्रति प्रदर्श एम-2(ए) है, निर्देश मुद्रित क्रम सं. 3147 प्रदर्श एम-3 व फोटो प्रति प्रदर्श एम-3 के अनुसार सी. पी. सी. स्केल में कार्यरत किसी श्रमिक द्वारा 120 दिन सेवा करने मात्र से वह रेलवे विभाग में स्थाई नियुक्ति अथवा स्थाई रेल कर्मचारियों को प्राप्त होने वाले लाभ एवम् सुविधायें प्राप्त करने का अधिकारी नहीं हो जाता जब तक व चयन के लिये निर्धारित प्रक्रिया से गुजरकर चयन सूची व मेरिट में पोजीशन प्राप्त नहीं कर लेता, 1987-88 में बीकानेर मंडल पर केजुअल लेबर के साथ उसकी भी स्क्रीनिंग की गयी थी, इसके परिणामस्वरूप प्रार्थी को लोको

खलासी के पद पर नियुक्ति हेतु तैयार की गयी मेरिट लिस्ट में फिट घोषित किये जाने पर प्रार्थी को बीकानेर मण्डल में लोको विभाग में फिटर खलासी के नियमित पद पर वेतन शृंखला रुपये 750-980 देने का प्रस्ताव विभाग के पत्र दिनांक 1-9-87 प्रदर्श एम-4 एवम् पत्र दिनांक 5-2-88 प्रदर्श एम-5 द्वारा दी गयी, मेरिट लिस्ट प्रदर्श एम-6 है जिनकी फोटो प्रतियाँ प्रदर्श एम-4ए, 5ए व 6ए हैं तथा प्रदर्श एम-5 पर ए से बी व सी से डी दो स्थानों पर प्रार्थी के हस्ताक्षर हैं, गवाह के अनुसार बीकानेर मण्डल में केजुअल लेबर की स्क्रीनिंग के परिणामस्वरूप घोषित मेरिट लिस्ट में आने के पश्चात् प्रार्थी की नियमित चतुर्थ श्रेणी के पद पर प्रथम नियुक्ति तिथि 6-2-88 है न कि 1-1-80। ये भारतीय रेल स्थापना मेन्युअल भाग-I 1969 के पैरा सं. 320 के अनुसार वरियता केवल नॉन-फॉरट्रिब्युटस सेवा के आधार पर होती है, नॉन-फॉरट्रिब्युटस सेवा का अर्थ है वह सेवायें जो नियमित नियुक्ति तिथि अथवा नियमित पदोन्नति के बाद की गयी हों, पेनल में प्रार्थी से जूनियर किसी भी श्रमिक को प्रार्थी से पूर्व पदोन्नत नहीं किया गया, यह कि प्रार्थी नियमित नियुक्ति तिथि 6-2-88 है और इसी दिनांक से ही प्रार्थी को 750-940 की वेतन शृंखला के लाभ देय बनते हैं, प्रार्थी द्वारा स्क्रीनिंग व पेनल के आधार पर चतुर्थ श्रेणी के नियमित पद का कार्यभार प्रथम बार 6-2-88 को ग्रहण किया गया था, प्रार्थी दिनांक 3-9-78 से 9-1-80 तक रेल विभाग में कार्यरत ही नहीं था अतः वह दिनांक 1-1-80 से कोई लाभ प्राप्त करने का अधिकारी नहीं हो सकता है, रेल विभाग में पांचवे वेतन आयोग की सिफारिशों के आधार पर 1-10-99 से ए. सी. पी. स्कीम शुरू की गयी थी जिसके अनुसार किसी कर्मचारी द्वारा 12 वर्ष की नियमित सेवा पूर्ण करने के पश्चात् उसे ए. सी. पी. स्कीम का लाभ दिये जाने का प्रावधान किया गया था अतः चतुर्थ श्रेणी के पद पर नियमित नियुक्ति तिथि 6-2-88 मानते हुए दिनांक 20-12-2000 द्वारा दिनांक 5-2-2000 से दिया जा चुका है एवम् ए. सी. पी. का अर्थात् प्रदर्श एम-7 का लाभ उसे 22-2-05 के द्वारा दिया जा चुका है जो प्रदर्श एम-8 व फोटो प्रति प्रदर्श एम-8ए है, यह कि रेल विभाग में ए. सी. पी. स्कीम 1-10-99 से लागू की गयी थी तथा उक्त योजना को भूतलक्षी प्रभाव से लागू किये जाने का कोई प्रावधान नहीं होने के कारण प्रार्थी को 1-1-92 से उक्त लाभ दिया जाना संभव ही नहीं था। सतार, राजाराम, किशन हैल्पर नाम के कोई व्यक्ति/कर्मचारी रेल विद्युत विभाग उत्तर पश्चिम रेलवे बीकानेर मण्डल में कार्यरत नहीं हैं, महेन्द्र पुत्र जमनाराम की नियमित नियुक्ति अनुसूचित जाति/जनजाति कोटे के अन्तर्गत लोको विभाग में लोको फिटर खलासी के पद पर वेतनमान 196-232 में 14-3-80 को की गयी थी जिसको कोटे के अभ्यर्थियों की वरीयता सूची सामान्य अभ्यर्थियों से अलग होने के कारण की गई स्क्रीनिंग के पश्चात् की गयी थी इसलिये गोपालचन्द की वरीयता की तुलना एस. सी./एस. टी. कोटे के अन्तर्गत आये अभ्यर्थियों से करने का कोई औचित्य ही नहीं है। आगे यह भी कथन किया गया है कि अजमल हुसैन हैल्पर खलासी को दया के आधार पर दिनांक 8-9-99 को सीधे ही विद्युत विभाग में विद्युत खलासी के पद पर लगाया गया था जबकि प्रार्थी वर्ष 1988 में लोको विभाग में लोको खलासी के पद पर चूरू स्टेशन पर कार्यरत था, लोको विभाग समाप्त हो जाने पर गोपालचन्द को अन्य कर्मचारियों के साथ 1995 में विद्युत खलासी के पद पर उसकी सहमति से रिडिप्लायमेंट पत्र दिनांक 26-9-95 प्रदर्श एम-9 एवम् प्रदर्श एम-9ए के द्वारा लगाया गया था

एवम् वर्ष 1996 में दोनों मान्यता प्राप्त यूनियन के साथ लोको विभाग समाप्त होने पर लोको विभाग से रिडिप्लायड कर्मचारियों की वरीयता को निर्धारित करने के संबंध में दिनांक 19-1-96 को यह निर्णय लिया गया था कि मूल विद्युत विभाग के कर्मचारियों की वरीयता लोको विभाग के रिडिप्लायड कर्मचारियों की वरीयता से अलग रखी जावेगी तथा मूल विद्युत विभाग के कर्मचारी अपनी वरीयता के अनुसार उच्च वेतन मान में होने वाली रिक्तियों के संबंध में पदोन्नतियाँ प्राप्त करेंगे तथा लोको विभाग के विद्युत विभाग में उच्च वेतनमान में होने वाली रिक्तियों के संबंध में अपनी अलग वरीयता सूची के अनुसार पदोन्नतियाँ प्राप्त करेंगे व इसी अनुसार सभी कर्मचारियों को नियमानुसार पदोन्नतियाँ व अन्य लाभ कर्मचारियों को प्रदान किये जाते रहे हैं, प्रार्थी को उसके किसी हक अथवा लाभ से वंचित नहीं किया गया है यूनियन की मिटिंग के मिनट्स प्रदर्श एम-10 व फोटो प्रति प्रदर्श एम-10ए है। यह कि रेलवे में दो मान्यता प्राप्त यूनियन ही कार्यरत हैं जिनमें जिनमें से एक "उत्तर पश्चिम रेलवे एम्प्लोईज यूनियन", दूसरी "उत्तर पश्चिम रेलवे मजदूर संघ" है और प्रार्थी गोपालचन्द्र द्वारा इनमें से किसी यूनियन के माध्यम से अपना क्लेम प्रस्तुत नहीं किया गया है। नियोजक के इस गवाह ने जिरह के दौरान यह बताया है कि आज याद नहीं है कि प्रार्थी को बतौर कैप्टूल लेबर के रूप में दिनांक 9-4-78 को लगाया गया था या नहीं, जब जब आकस्मिक श्रमिक की स्वीकृत अवधि समाप्त होती है उसकी सेवायें स्वतः ही समाप्त हो जाती है, मैं यह नहीं बतला सकता कि श्रमिक बतौर कैप्टूल लेबर कब-कब कार्यरत रहा और कब इसकी सेवायें समाप्त हुई, प्रार्थी को जब-जब आकस्मिक श्रमिक नियुक्त किया गया तब-तब की स्वीकृति आदेश न्यायालय में पेश नहीं किये हैं, प्रार्थी का कोई अभिलेख मेरे द्वारा संधारित नहीं किया जाता है ना ही मैं डीलिंग हूँ, यह कहना गलत है कि प्रार्थी ने 1-1-80 को 120 दिन से अधिक लगातार काम किया, उसने 180 दिन से अधिक लगातार काम नहीं किया, उत्तर क्लेम के पैरा सं. 2 में दिनांक 12-8-80 तक 215 दिन काम करना सही लिखा है, अभी प्रार्थी वर्तमान में 2650-4000 के वेतनमान में कार्यरत है, महेन्द्र नायक को एस. टी. कोटा में प्रार्थी से नियुक्त होने से पूर्व ही नियुक्त कर दिया गया था इसलिये महेन्द्र नायक प्रार्थी से वरिष्ठ है, अजमल हुसैन और राजाराम नियोजित कर्मकार नहीं हैं, यह सही है कि प्रार्थी विभाग ने सी. पी. सी. स्केल दिनांक 17-5-86 से दिया है, चयनित वेतनमान उसी अभ्यर्थी को दिया जाता है जिस कर्मचारी ने नियमित सेवा के रूप में 12 साल लगातार काम किया हो, आकस्मिक श्रमिक का कार्ड ही उसकी उपस्थिति शीट होती है, हाजरी दर्शायी जाती है, उस कार्ड को पे-वाउचर के आधार पर भरा जाता है, वेतन वाउचर रखने की अवधि दस साल की होती है, दैनिक हाजरी मस्टर रोल में लगाई जाती है। यह सही है कि श्रमिक से संबंधित 1978 से 1980 के न्यायालय में पेश नहीं किये हैं क्योंकि इनके रखने की अवधि दस साल की ही होती है जो नष्ट कर दिये गये हैं, उक्त रिकार्ड नष्ट करने का कोई प्रमाण न्यायालय में पेश नहीं किया है।

इसी संबंध में अप्रार्थी पक्ष की ओर से प्रस्तुत एक अन्य साक्षी अधाराम सुधार, कार्यालय अधीक्षक ने भी साक्षी चतुर्भुज सुधार के सशपथ कथनों का समर्थन करते हुए प्रस्तुत अपने शपथपत्र पर जिरह के दौरान यह स्वीकार किया है कि प्रार्थी 9-4-78 को कैप्टूल लेबर

की हैसियत से लगा था। महेन्द्र नायक, अजमल हुसैन वर्तमान में 3050-4590 के स्केल में काम कर रहे हैं तथा प्रार्थी वर्तमान में इलेक्ट्रिक ट्रेन लाईट में खलासी है जिसका वेतनमान 2650-4000 है। सतार पुत्र मंगतू खाँ इलेक्ट्रिक विभाग में कार्यरत नहीं है और वर्तमान में सादुलपुर में पोइंट्स मैन के पद पर कार्यरत हो तो मुझे जानकारी नहीं है, अजमल हुसैन की नियुक्ति अनुकंपा के आधार पर 8-9-78 को हुई थी। प्रार्थी मेडिकल स्क्रीनिंग में सफल हुआ है जिसे रेगुलर पे स्केल 17-5-80 से दिया है तथा सतार को रेगुलर पे स्केल कब से दिया है मुझे जानकारी नहीं है। प्रार्थी का लोको का सर्विस रिकार्ड पेश किया है, कैप्टूल लेबर की उपस्थिति मस्टर रोल पर दर्ज करते हैं यह सही है कि लोको समाप्त होने पर प्रार्थी इलेक्ट्रिक शाखा में आ गया तथा अन्य कर्मचारी भी समायोजित हो गये। प्रार्थी के विरुद्ध कोई डी. ई. या पेनल्टी ड्यू नहीं थी, कर्मचारी से मेरा डाइरेक्ट डीलिंग नहीं है। मैं कार्मिक शाखा में ओ. एस. हूँ, मस्टररोल नष्ट हो चुका है क्योंकि पुराना रिकार्ड था।

8. विद्वान पक्षकारों की बहस, पत्रावली एवम् गवाहान प्रार्थी श्रमिक गोपालचन्द्र एवम् नियोजक गवाह सर्वश्री चतुर्भुज सुधार एवम् मधाराम सुधार के सशपथ कथन एवम् प्रस्तुत दस्तावेजात के अवलोकन से हम देखते हैं कि प्रार्थी श्रमिक गोपालचन्द्र की प्रथम नियुक्ति 9-4-1978 को लोको फोरमेन सादुलपुर द्वारा किया जाना स्वयं नियोजक द्वारा स्वीकार किया गया है; ऐसी स्थिति में 1-1-80 तक श्रमिक द्वारा 120 दिन कार्य नहीं किया जाना अप्रार्थी विभाग को ही प्रमाणित करना था जो नहीं किया गया है। अप्रार्थी रेल विभाग ने इस अवधि में श्रमिक की उपस्थिति से संबंधित उपस्थिति पंजिका न्यायालय के समक्ष प्रस्तुत नहीं की है एवम् प्रस्तुत की गई सेवा पुस्तिका के संबंध में प्रार्थी श्रमिक का आक्षेप है कि सेवा पुस्तिका में गलत प्रविष्टियाँ की गयी हैं जिसका उल्लेख स्टेटमेंट आफ क्लेम की चरण सं. 3 और 4 में किया गया है। जब नियोजक पक्ष श्रमिक का प्रथम नियोजन लोको फोरमेन सादुलपुर के अन्तर्गत आकस्मिक श्रमिक के रूप में 9-4-78 से होना स्वीकार करता है तब ऐसी सूरत में श्रमिक की उपस्थिति का विवरण अर्थात् उपस्थिति पंजिका न्यायालय के समक्ष प्रस्तुत करके यह सिद्ध करना चाहिये था कि 1-1-80 से पूर्व श्रमिक ने 120 दिन की सेवा पूरी नहीं की परन्तु नियोजक ने ऐसा कोई रिकार्ड प्रस्तुत नहीं किया है। सेवारत श्रमिक की उपस्थिति का रिकार्ड उसके सेवानिवृत्त होने से पूर्व किसी भी सेवा नियमों के अन्तर्गत नष्ट नहीं किया जाता है एवम् श्रमिक का उपस्थिति विवरण न्यायालय में प्रस्तुत नहीं करने का नियोजक पक्ष ने कोई भी तर्कसंगत कारण नहीं बताया है, श्रमिक की प्रथम नियुक्ति 9-4-1978 से होने का तथ्य स्वयं नियोजक पक्ष ने स्वीकार किया है एवम् अजमल हुसैन को सर्वप्रथम खलासी के पद पर दिनांक 8-9-88 को नियुक्त करना नियोजक पक्ष द्वारा प्रस्तुत सेवा पुस्तिका से प्रमाणित होता है। नियोजक पक्ष ने यह नहीं कहा है कि अजमल हुसैन प्रार्थी श्रमिक से वरिष्ठ है बल्कि नियोजक का यह तर्क है कि अजमल हुसैन को हेल्पर खलासी के पद पर दिनांक 8-9-88 को दया के आधार पर विद्युत विभाग में विद्युत खलासी के पद पर नियुक्त किया गया था और उस समय लोको विभाग में लोको खलासी के पद पर प्रार्थी पूर्व से कार्यरत था एवम् उक्त लोको विभाग समाप्त होने पर 1995 में फिटर खलासी के पद पर 26-9-95 के आदेश द्वारा डिप्लोमेन्ट किया गया,

इन हालात में यह नहीं माना जा सकता कि अजमल हुसैन प्रार्थी से खरिष्ट हो गया एवम् यह भी नहीं कहा जा सकता कि विद्युत विभाग का कर्मचारी तथा लोको विभाग के रिडिप्लोयमेंट कर्मचारी विद्युत विभाग में उच्च वेतनमान के होने वाले रिक्त पदों के विरुद्ध अलग-अलग खरीयता के अनुसार अपनी पदोन्नति प्राप्त करेंगे। इस प्रकार नियोजक पक्ष ने यह कहना चाहा है कि रिडिप्लोयमेंट के आधार पर लोको विभाग से विद्युत विभाग में आया कर्मचारी विद्युत विभाग में पूर्व से कार्यरत कर्मचारों से कनिष्ठ हुआ और अजमल हुसैन को उसकी खरीयता के अनुसार उच्च वेतनमान में उपलब्ध रिक्त के विरुद्ध हेल्पर खलासी विद्युत के पद पर पदोन्नत किया गया। अप्रार्थी नियोजक विभाग का यह तर्क किसी भी रूप में मान्य नहीं है कि यह तर्क सेवा में खरीयता नैसर्गिक न्याय एवम् विधि शास्त्र के सिद्धांतों के प्रतिकूल है। लोको विभाग समाप्त हो जाने पर डिप्लोयमेंट के आधार पर किसी विभाग में लोको के कर्मचारी की नियुक्ति करने से उसकी खरीयता पर कोई प्रतिकूल प्रभाव नहीं पड़ना चाहिये क्योंकि रिडिप्लोयमेंट के आधार पर पदस्थापना करते समय भी प्रार्थी गोपालचन्द्र उक्त अजमल हुसैन से खरिष्ट था जिसकी पुष्टि इन दोनों कर्मचारों की सेवा पुस्तिकाओं से होती है। 13-9-78 से 9-1-80 तक प्रार्थी का रेल विभाग में कार्य पर नहीं होने अप्रार्थी ने किसी भी रिकार्ड से प्रमाणित नहीं किया है एवम् यह प्रमाणीकरण उपस्थिति पंजिका के आधार पर ही हो सकता था एवम् सेवा पुस्तिका के संबंध में प्रार्थी द्वारा उठाये गये आक्षेप का खण्डन भी नियोजक पक्ष ने नहीं किया है। जहाँ तक एस. सी./एस. टी. कर्मचारी महेन्द्र नायक का प्रश्न है। नियोजक ने यह स्पष्ट नहीं किया है कि प्रार्थी की पदोन्नति के समय कोई पदोन्नति का पद आरक्षित वर्ग के लिये था एवम् ऐसा किसी भी रिकार्ड से प्रमाणित नहीं किया गया है, नियोजक पक्ष का यह कथन पर्याप्त नहीं है कि महेन्द्र नायक कर्मचारी अनुसूचित जाति का होने से प्रार्थी से पहले पदोन्नति प्राप्त कर गया। विधि का यह सर्वमान्य सिद्धान्त है कि केवल मात्र अनुसूचित जाति/अनुसूचित जन जाति होने मात्र के आधार पर किसी व्यक्ति को सवर्ण से पहले पदोन्नति नहीं दी जा सकती जब तक कि पदोन्नति का वह पद अनुसूचित जाति/अनुसूचित जन जाति के लिये आरक्षित पद नहीं हों और नियोजक पक्ष यह तथ्य सिद्ध करने में पूर्ण रूप से असफल रहा है कि वह पद अनुसूचित जाति/अनुसूचित जन जाति के लिये आरक्षित पद था। इन हालात में नियोजक पक्ष का यह कथन पूर्ण रूप से गलत एवम् अनुचित है कि प्रार्थी श्रमिक गोपालचन्द्र की तुलना महेन्द्र नायक एवम् अजमल हुसैन से नहीं की जा सकती। नियोजक पक्ष यह भी सिद्ध नहीं कर सका है कि 1-1-80 तक प्रार्थी 120 दिन का कार्यकाल पूरा नहीं कर सका था।

उपरोक्त विवेचना के आधार पर हम इस निष्कर्ष पर पहुँचते हैं कि प्रार्थी श्रमिक दिनांक 1-1-80 से सेवा में अस्थाई श्रमिक का दर्जा प्राप्त करने का अधिकारी है एवम् दिनांक 1-1-80 के अनुसार ही देय समस्त परिलाभ प्राप्त करने का अधिकारी है। नियोजक पक्ष को निर्देश दिया जाता है कि इस संबंध में अवार्ड प्रकाशन के 4 माह के भीतर आवश्यक आदेश प्रसारित करके श्रमिक को देय समस्त परिलाभों का भुगतान करें, 4 माह की इस अवधि में भुगतान नहीं करने की सूरत में अप्रार्थी नियोजक पक्ष प्रार्थी श्रमिक को देय बकाया पर आज अधिनिर्णय की दिनांक से 7.5 प्रतिशत वार्षिक की दर से ब्याज भी अदा करेगा।

9. अतः केन्द्रीय सरकार द्वारा प्रेषित इस प्रसंग को उत्तरित करते हुए यह पंचाट इस प्रकार से पारित किया जाता है कि प्रबंध तंत्र उत्तरी रेलवे (हाल उत्तरी पश्चिमी रेलवे) बीकानेर द्वारा प्रार्थी श्रमिक गोपालचन्द्र को 1-1-80 से देय लाभ प्रदान नहीं करना उचित एवम् वैध नहीं है। परिणामतः प्रार्थी श्रमिक दिनांक 1-1-80 से सेवा में अस्थाई श्रमिक का दर्जा प्राप्त करने का अधिकारी है एवम् 1-1-80 के अनुसार ही वैध समस्त परिलाभ प्राप्त करने का अधिकारी है। नियोजक पक्ष को निर्देश दिया जाता है कि इस संबंध में अवार्ड प्रकाशन के 4 माह के भीतर आवश्यक आदेश प्रसारित करके श्रमिक को देय समस्त परिलाभों का भुगतान करें। चार माह की इस अवधि में भुगतान नहीं करने की सूरत में अप्रार्थी नियोजक पक्ष प्रार्थी श्रमिक को देय बकाया पर आज अधिनिर्णय की दिनांक से 7.5 प्रतिशत वार्षिक की दर से ब्याज भी अदा करेगा।

उक्त अधिनिर्णय अधिनियम की धारा 17(1) के अन्तर्गत केन्द्रीय सरकार को प्रकाशनार्थ भेजा जावे।

10. आज्ञा आज दिनांक 13-12-2005 को विवृत न्यायालय में सुनाई गई।

के. एल. माथुर, न्यायाधीश

नई दिल्ली, 1 मार्च, 2006

का. आ. 1159.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-II, चंडीगढ़ के पंचाट (संदर्भ संख्या 24/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-02-2006 को प्राप्त हुआ था।

[सं. एल-12011/24/94-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 1st March, 2006

S.O. 1159.—In pursuance of Section 17 of the Industrial disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 24/95) of the Central Government Industrial Tribunal/Labour Court II, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 28-2-2006.

[No. L-12011/24/94-IR (B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II SECTOR 18, CHANDIGARH**

Shri Kuldip Singh : Presiding Officer

CASE NO. I.D. 1029/2005, 24/1995**Registered On : 30-3-1995, 19-9-2005**

Date of Decision : 31-1-2006

The Regional Secretary, State Bank of India Staff
Association, Rohtak Union C/o State Bank of India, Rohtak
Main Branch. —Petitioner

V/s

The Assistant General Manager, State Bank of India, Zonal
Office, Haryana, Sector 8-C, Chandigarh.

APPEARANCES

For the Workman : Mr. Raj Kaushik, Advocate

For the Management : Mr. S. K. Sharma, Law Officer

AWARD

The Government of India vide Notification
No. L-12011/24/94-IR(B-1), dated 28-3-1995 referred the
following matter for the adjudication of this Tribunal :

"Whether the action of the Management of State
Bank of India in stopping the four Annual
Increments of Shri Vinod Saroha, Clerk-cum-Cashier
w.e.f. 1-3-91 is just and legal ? If not, what relief the
workman concerned is entitled to ?"

Notice of the reference was given to the parties who
appeared in the case, through their representatives. The
workman filed the claim petition on 4th of October 1995,
to which the Management filed written statement dated
22nd of November 1995. They filed the affidavit of their
witness A.K. Midha and also placed on records photo-
copies of the inquiry proceedings. The workman filed his
affidavit dated 22nd of March 1999. Before the parties
produced their evidence, the representative of the workman
submitted that the Court may hear arguments on the
'fairness of the inquiry'. It is because of this the case was
listed for arguments on the fairness of the inquiry, since
February 2002.

I have heard the representative of the parties on the
fairness of the inquiry and have also gone through the
record.

The workman in his claim statement has submitted
that he was appointed as Clerk-cum-Cashier on 18th of
March 1983 and was transferred to Bahadurgarh Branch
in 1987, that by their order, the Management placed him
under suspension pending initiation of disciplinary action
against him in August 1990, for having physically

assaulted Sh. K. L. Chopra, Assistant Manager, Cash with
the Management, without taking into considerations the
medical record where Mr. Chopra had admitted that the
injury was received by him due to his fault. They violated
the provisions of bi-partite agreement and awards,
governing the services of Bank employees and did not
display the notice of inquiry in the premises where the
workman was posted.

It is further alleged by him that the Management
threatened the workman of terminating his services, if he
did not submit the reply to the charge-sheet according to
their wishes. They also did not consider the reply of the
workman. Even in terms of Para 3, Sub Para III, of the
agreement dated 31st of October 1979, no inquiry was
necessary in a case covered by Sub-Clauses A, B, and C,
but the Management did not follow the provisions of that
bi-partite settlement. The Inquiry Officer appointed did
not ask the Presenting Officer to present his case. The
Management did not produce any evidence. On the basis
of which they wanted to prove the charge. Even the injured
Sh. K. L. Chopra was not produced. The workman was not
allowed to examine evidence in his defence nor he was
allowed to be represented by defence representative and
thus the Management deprived of all the facilities to him
to defend himself. The workman was also not provided
with the copy of the Inquiry Report. The disciplinary
authority imposed the punishment of stoppage of four
increments on him against the provisions of Awards and
settlements. The workman has prayed that the
Management be directed to withdraw the order of
punishment, stopping his four annual increments, with
effect from 1st of March 1991 when first increment had
become due to him and he may also be given all the benefits.

Before going into the reply of the Management, it
would be useful to recount what the workman admitted in
his claim petition about the fairness of the inquiry. He
admitted that he was placed under suspension vide order
No. R-II/225 dated 27th of August 1990 in connection with
his giving beating to Sh. K.L. Chopra, who was Assistant
Manager (Cash) at that time, in the Branch in which the
workman was posted on 24th of August 1990. He has
admitted that the charge against him was that he had given
beating to Sh. K.L. Chopra in the chamber of Branch
Manager which resulted into profuse bleeding from the
nose and other body parts of Sh. Chopra. He admitted
that so as to save his services he admitted the guilt for
which he was not responsible, as he was threatened of his
services by the Management. He has further admitted that
the Inquiry Officer had conducted the inquiry against the
workman on 11th of February 1991 in the Bahadurgarh
Branch of the Management Bank where the workman as
well as Sh. J. C. Bajaj, the representative of the Management
Bank were present. He has also admitted that the Inquiry
Officer had read out the charge-sheet to him and on the
plea of the workman the Inquiry Officer had closed the

inquiry on the same day, on the grounds that the workman has admitted the charge levelled against him.

The Management, in reply to the claim petition, in addition to taking the preliminary objection about the filing of claim petition by one Sh. J.B. Garg, as representative of the workman has claimed that the facts stated in Para 3, 8, 9, 10, 11, 18, 19, 22, 24 and 25 are wrong and has denied the same. They have submitted that the workman had admitted in writing immediately after the occurrence and before the Inquiry Officer his fault. He expressed his regrets and assured that he will never repeat such a misbehaviour. The Management admitted to have followed the provisions of law and provided the copies of charge-sheet, the order of appointing the Inquiry Officer etc. and placed on records copies thereof along with the reply. They have further claimed that a fair inquiry was conducted in the matter and since the workman had admitted the charge, therefore, there was no reason to continue with the inquiry and to take evidence. It is in those circumstances there was no necessity to examine Sh. K.M. Chopra as a witness as no evidence was required after the workman admitted his charge. It is their case that the workman has not alleged any prejudice caused to him. The punishment awarded is based upon the facts and after taking into account the guilt of the workman and the same is not disproportionate. The punishment, therefore, awarded is just and fair. The workman has no justification to maintain his claim, as such, the reference may be rejected.

From the perusal of the inquiry proceedings, copies of which are on record, it is very clear that the inquiry initiated against the workman was closed after the workman admitted his guilt. The workman has only made a vague claim that he was threatened of his service, by the Management and it is only because of that he admitted to have committed the misconduct which, in fact he had not done and it is because of those circumstances that he gave in writing admission of his guilt. There is nothing on record nor even a sworn testimony of any of person supporting the claim of the workman. It is admitted case of the parties that the occurrence had taken place on 24th of August, 1990 and by his statement on the workman, who is educated and serving in the Bank admitted before the Regional Manager on 14th of January, 1991 that he had committed the misconduct alleged against him in the charge-sheet, on the day of accordance and even few days thereafter, one can understand the imbalance mental set up of the person who was involved in such an accident and it could be accepted that he was pressurised to make such a statement. But how could there be such a pressure even five months, thereafter. The workman did not even allege to anyone when he was alone in the company of his relations and friends that he had been made to admit his guilt, which he had not committed.

There is on record a photocopy of a representation made by the workman, after his reinstatement, in March

1991, where he admitted that under extreme provocation he had hit back Sh. K.L. Chopra who had shouted upon him and had also physically assaulted. He further admitted that he had admitted his guilt only to expedite the proceedings. He further admitted the guilt out of remorse, to have hit an elderly person. He nowhere complained that he was pressurised or influenced, or even threatened to admit his guilt. Thus, the claim made by him, in the claim petition, is afterthought and without any basis. He admitted that he was fully conscious at the time when he admitted his guilt. In reply to the charge-sheet he further admitted that the defence of provocation was not available to him and gave an assurance that he will, in future, exhibit good conduct and shall maintain decorum, in the office. In the prayer clause also he requested for condoning his guilt and for taking lenient view in the matter.

From the proceedings in the inquiry and the pleadings of the parties, nowhere find, any allegation of mala fides, victimization or denial of natural justice to the workman, in conducting the inquiry. There is no basis for him to claim that the formality of calling the witnesses, providing opportunity to the workman to cross-examine them, taking the evidence of the workman produced in defence and other formalities, were required to be gone into even after the admission of his guilt unconditionally. The workman has therefore, failed, to show that the inquiry, against him, was not held fairly. I, therefore, find no evidence, from the proceedings to hold that the inquiry conducted by the Management was not just, fair and legal.

I have considered the question of punishment, awarded to the workman for his guilt which he admitted. It is true that the workman conducted himself in a manner unbecoming of a Bank employee much more with the colleague also who was an elderly person. However, I find that the workman, later on realised his mistake and stated so in writing, in his petition to the Regional Manager, Region II, SBI, Haryana and UT Zone Chandigarh. There was no charge against him that he had behaved in that fashion earlier also. It is also not shown even during the course of arguments that the workman had conducted in such a manner, thereafter. The loss of four increments continuously is definitely a huge loss to the workman. In my opinion the stoppage of four increments for all times to come will be too harsh to the workman. He has suffered this loss for the last 15 years and I feel this much punishment is more than sufficient to him. The punishment awarded is, therefore, modified to the extent that the financial loss already suffered by the workman shall be sufficient punishment to him for the misconduct he did. The stoppage of four increments shall cease against him from the date of this order. However, a warning may be recorded in his ACR that in case he ever behaved in such a manner in future the modification of punishment shall cease to have effect. However, the punishment awarded shall not work against him in his future prospects in

service. The workman is entitled to this relief only. The award is passed in these terms. Let a copy of this award be sent to the appropriate Government for necessary action and the file be sent record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 1 मार्च, 2006

क्र. आ. 1160.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुवैत एअरवेज के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, मुम्बई-I के पंचाट (संदर्भ संख्या 08/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-02-2006 को प्राप्त हुआ था।

[सं. एल-11012/17/2000-आई. आर. (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 1st March, 2006

S.O. 1160.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 08/2000) of the Central Government Industrial Tribunal/Labour Court, Mumbai-I, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kuwait Airways and their workmen, which was received by the Central Government on 27-02-2006.

[No. L-11012/17/2000-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT

JUSTICE GHANSHYAM DASS, Presiding Officer

Reference No. CGIT-08 of 2000

Parties : Employers in relation to the management of
Kuwait Airways

And

Their workmen.

APPEARANCES

For the Management : Ms. Shobha Gopal, Adv.
Ms. Rupali Dixit, Adv.

For the Workman : Mr. M.S. Jambulikar, Adv.
Mr. R.B. Chavan, Adv.

State : Maharashtra

Mumbai, dated the 06th day of February, 2006.

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 (the Act for short). Vide Government of India, Ministry of Labour, New Delhi, order No. L-11012/17/2000 IR (C-1) dated 07-02-2000. The terms of reference given in the schedule are as follows :

“Whether the action of the Management of Kuwait Airways, Mumbai in terminating the services of Shri Ashok D. Bherwani, w.e.f. 01-03-1999 is legal and justified? If not what relief the workman concerned is entitled to?”

2. The instant reference has been contested on behalf of Mr. Ashok D. Bherwani, an employee of Kuwait Airways Corporation (hereinafter referred to as Corporation for short) by the Kuwait Airways Corporation Employee's Association, Mumbai, since the employee was a member of the Union. The employee joined the service of the Corporation on 18-6-1976 as Accounts Clerk. He was promoted to Senior Accounts Clerk and drawing a salary of Rs. 2,400 p.m. at the time of termination of service. While working as such, the employee received a memo dated 03-12-1998 (Ex-W-5) by the Regional Director of the Corporation regarding misuse/loss of passenger tickets. The employee submitted his explanation vide letter dated 10-12-1998 (Ex-W-6) denying the allegations made against him and pointing out that the air tickets were not being issued by him but issued by Mr. Sam Gandhi to Mr. K.A. Chandran, Office boy, who was specifically deputed by the Airport to the Head Office in accordance with the practice. He also forwarded the copy of the inventory along with his explanation denying any irregularity on his part. The employee received a letter of termination dated 15-1-1999 (Ex-W-7) to which the employee replied. The employee contacted Mr. Hameed Bugari, the then Manager-India of the Corporation and explained all the facts and circumstances. Thereafter, on 15-1-1999 itself the employee received a message at his residence to report for duty. Hence, the employee reported for duty on 18-1-1999 (Monday). He resumed his duty as such. Thereafter, the employee received again a letter of termination dated 01-03-1999 (Ex-W-8) whereby the services were terminated with the close of the day, i.e. 1-3-1999. This letter accompanied with a cheque of one month wages. Thereafter, the employee submitted his explanation and raised the demand through Employee's Association. The Industrial Dispute was raised. The proceedings for conciliation started before the concerned Conciliation Officer but it failed. On submission of the failure report the Central Government referred the dispute to this tribunal.

3. The contention of the Corporation is that the instant reference is not maintainable since the employee is not a workman under Section 2(s) of the Industrial

Disputes Act (hereinafter referred to as the Act). It is alternatively contested that the service have been terminated for loss of confidence for which no charge sheet or enquiry was required.

4. The following issues were framed by the learned predecessor in office :

- (a) Whether Mr. A.D. Bherwani can be held to be workman under Section 2(s) of the Industrial Disputes Act ?
- (b) Whether the services of Ashok D. Bherwani was terminated by the first party company illegally and without following the due process of law on and from 1st March 1999 ?
- (c) Whether the second party workman is entitled for reinstatement with full back wages and continuity of services on and from 1st March 1999 ?
- (d) What relief ?

5. The employee filed his own affidavit in lieu of his examination in chief. He has been cross examined at length by the learned Advocate for the Corporation. No oral evidence whatsoever has been led by the Corporation in this case.

6. The parties have filed the documents and the same have been duly exhibited. From the perusal of the record, it appears that the evidence of the workman was concluded on 20-11-2003. The hearing was adjourned to 19-12-2003. The Advocate for the Corporation sought time to file affidavit of the witness on 19-12-2003 and the matter was adjourned to 28-1-2004. Again, the time was sought for filing of the affidavit and the matter was adjourned to 03-3-2004. On 03-3-2004 the Corporation chose not to file any affidavit and thereby closed the evidence. Since then, the matter has been adjourned for hearing of the arguments. Both the parties have filed written arguments in this case and have made oral submissions also before me.

7. It may be mentioned that at the last stage on 23-12-2005 the Corporation moved an application that issue of workman may be decided first in view of the fact that the Corporation is to be given liberty to lead evidence to justify the charges which would depend on the decision of the Issue No. 1. This application is opposed to by the employee's Advocate. Both the parties have been heard on all the issues as well as the aforesaid application.

8. FINDINGS:

ISSUE No. 1 : On this issue the employee has filed his detailed affidavit and he has been cross examined by the other side. As mentioned earlier, no evidence has been led by the Corporation to rebut the evidence of the employee on this issue. The employee has detailed out the duties performed by him while posted as Senior

Accounts Officer. The learned Counsel for the Corporation enumerated the duties performed by the employee in his written arguments which are said to be as follows :

- (i) He was signing cheques issued by the first party to 3rd parties.
- (ii) Had custody of cash.
- (iii) Authority to sign salary cheques.
- (iv) Signing Trial Balance of the First Party.
- (v) Signing Bank Reconciliation Statements.
- (vi) Custody of the Safe Keys.
- (vii) Deposit of FTT to the Govt. Treasury.
- (viii) Assistance in preparation of the Budget for the Mumbai Office.
- (ix) Overseeing of the distribution of tickets both at the Airport Office and the Sales Counter.
- (x) Initialling the Pay slip showing the deposits in the Chairman's Accounts deposited by the First Party with the Bank.
- (xi) Preparation and signing of Asset Inventory.
- (xii) Ensuring that closing of Accounts were done on time.
- (xiii) Control of Suspense Accounts.
- (xiv) Prompt action in respect of the Debit Note.
- (xv) Recommendation of leave.
- (xvi) Nobody was working senior to him in the higher grade at Mumbai Station.

Within the above 16 duties, the duties shown at Sr. No. 15 is wrong since the evidence on record is that the employee was not meant to recommend the leaves of the other employees. He just recommended the leave of one employee.

9. The learned counsel for the Corporation placed before me the following rules and submitted that the employee is not a workman.

- (1) 1994 LIC page 2417 N.A. Joshi v/s. Century Shipping.
- (2) 199 (2) LLN page 165 Union Carbide v/s. Samuel.
- (3) 1992 I CLR page 184 S.V. Palwankar v/s. Presiding Officer.
- (4) 1999 I CLR page 458 German Remedies v/s. Michael Lopes.
- (5) 1999 I CLR page 193 Union Carbide v/s. Ramesh Kumble.
- (6) 1970 II LLJ page 390 Burmah Shell Oil Storage and Distribution Company India Ltd.

- (7) AIR 1967 SC page 678 management M/s. May and Baker v/s. Their workmen.
- (8) 2004 (8) SCC page 387 Mukesh Tripathi v/s. Sr. Divisional Manager.
- (9) 2005 II CLR page 66 Management of M/s. Sonapat Co-op. Sugar Mills v/s. Ajit Singh.
- (10) 1998 (78) FLR page 593 G.M. Pillai v/s. A.P. Lakhnikar P.O. Lab. Court.
- (11) 2000 II LR page 644 D. Kumar Changkokti v/s. Travel Corpn. of India.

10. The learned counsel for the employee placed before me the following rulings :

- (i) 1985 II LLJ page 401 (S.C. Full Bench) Arkal Govind Raj Rao & Ceiba Geigy of India Ltd., Bombay.
- (ii) 1964 I LLJ page 19 (S.C. Full Bench) South Indian Bank Ltd., and Chacko (A.R.)
- (iii) 1999 I CLR page 1156 (Bom. H.C.) Sunita B. Vatsraj vs. Karantaka Bank Ltd.
- (iv) 2003 (2) LLN page 21 (Madras H.C.) Management of Christian Medical College and P.O., L.C. Vellore and L. Chinappan.
- (v) 1988 I LLJ page 411 (Bom. H.C., D.B.) S.B. Kulkarni and Indian Red Cross Society and Ors.
- (vi) 1989 I LLN page 768 (P & H H.C.) Hans Raj Puri and Haryana State.
- (vii) 1969 II LLJ page 670 (S.C., D.B.) Anand Bazar Patrika (Pvt.) Ltd. and its workmen.
- (viii) 2002 III CLR Page 919 (Guj. H.C.) Shankabhai Nathlal Prajapati v/s. Maize Products.
- (ix) 1988 I LLJ page 363 (S.C.D.B.) National Engineering Industries Ltd. and Shri Shri Kishan Bhageria and Ors.
- (x) 1994 II LLN page 559 (Bom. H.C.) Inter Globe Air Transport (Pvt.) Ltd. and Smt. Leela Deshpande and another.
- (xi) 2001 III CLR page 71 (P&H H.C., D.B.) Sanjeev Kumar Gupta v/s P.O.L.C. (II) Faridabad and Anr.
- (xii) 1983 II LL page 425 (S.C. Full Bench) D.P. Maheshwari and Delhi Administration & Ors.
- (xiii) 1980 I LLN page 488 (Bom. H.C., D.B.) Waman Ganpat Raut and Cadbury-Fry (Ind) Pvt. Ltd. and Anr.

(xiv) 1991 II CLR page 789 (Bom. H.C.) R.M. Nerlekar v/s. The Chief Commercial Supdt., Central Rly., Bombay.

(xv) 1967 I LLJ page 488 (Cal. H.C., D.B.) Raghu Singh and Burrkur Coal Company Ltd., and Ors.

(xvi) 2002 III CLR page 1007 (Himachal Pradesh H.C.) Branch Manager, HPFC v/s. Vidhi Singh.

(xvii) 2005 III CLR page 110 (Bomb. H.C., D.B.) Seth Jeejeebhoy Dadabhoy Charity Funds & 3 Ors. v/s. Farokh Noshir Dadachanji.

(xviii) 1960 I LLJ page 504 (S.C., Full Bench) Swadesamitran Ltd. and Their workmen.

(xix) 1990 II CLR page 1 (S.C. Full Bench) The Punjab Land Development & Reclamation Corporation Ltd., Chandigarh & Ors. v/s. The Presiding Officer, Labour Court & Ors.

(xx) 1986 II LLJ page 171 (S.C. Full Bench) Central Inland Water Transport Corporation Ltd. v/s. Brojo Nath Ganguly

and submitted that the employee is a workman since he was not performing the duties of managerial or supervisory nature.

11. After going through the rulings cited by the parties before me, the law is settled on the question of workman for which the Industrial Court is required to see the nature of duties to be performed by the employee. It is clear that the designation of the employee is immaterial nor the additional duties assigned to the employee for a certain period makes any difference. The preliminary basic duties or dominant nature of duties for which the person has been employed are to be judged. The reconciliation of figures in the Accounts is a mechanical type of clerical work and that does not mean that the employee is not a workman. The nature of duties must be such on the basis of which it may be clearly inferable that the employee was performing managerial duties. For ascertaining as to whether the employee is working as supervisor there should be some other employee's work which is to be supervised by the employee who is sought to be excluded by the employer from the definition of the workman. The supervision of the accounts does not mean that the employee is a supervisor. In the instant case, the nature of duties have been clearly spelled out as stated by the employee himself of which there is no rebuttal from the side of the Corporation. The burden lies upon the Corporation to prove that the employee is not a workman. Nothing is shown on record to discharge this burden by the Corporation. Contrary to it, it is argued that the burden lies upon the employee to prove that he is a workman which is not correct. Considering the duties performed by

the employee and keeping in mind all the rulings cited before me, referred to above, I conclude that it is a clear case in which there is nothing to show that the employee was discharging mainly the duties in the managerial capacity or that he was working as supervisor. The salary of the employee is immaterial. Thus, I conclude that the employee is a workman and answer the issue No. 1 accordingly.

12. **ISSUE NO. 2 :** In view of the Issue No. 1, the termination of the services of the employee is altogether illegal and unjustified for the obvious reason that no chargesheet or enquiry has been there against the workman. It is a case in which the Corporation wants to dismiss a permanent employee having 23 years of service at his credit without issuing any chargesheet and having any domestic enquiry. It is submitted before me that an opportunity may be given to the Corporation to lead the evidence to prove the charges of misconduct for loss of confidence in which it is alleged that the workman committed fabrication and irregularity by issuing hundreds of ticket illegally and thereby causing heavy monetary loss to the Corporation. It is surprising that letter of termination having the aforesaid allegations was issued by the Corporation to the employee on 15-1-1999 but it was unilaterally withdrawn by the Corporation on receipt of the explanation by the employee to Manager-India. That being so, the Corporation acted wholly illegally by issuing another letter of termination on 01-3-1999 repeating the same verbatim and without adopting the recognized procedure of law for issuing a chargesheet and then conducting a domestic enquiry. The ground of loss of confidence may be there but it cannot be presumed on the face of it just on the mere allegations mentioned in the earlier letter of termination dt. 15-1-1999 and repeating the same in the final letter of termination dt. 01-3-1999. No doubt, the Corporation has a right to terminate the services for loss of confidence but there must be some reasonable basis for it. In the instant case the allegations had been leveled against the employee in the earlier letter of termination dt. 15-1-1999 but they were apparently withdrawn since the employee was permitted to resume duty on 18-1-1999. It is really surprising that the Corporation issued another letter of final termination just after one month and few days on 1st March 1999 and thereby terminated the services with the close of the day i.e. 01-3-1999. Such type of action cannot be justified by the law Courts.

13. The learned counsel for the Corporation placed before me the following four rulings on the point of termination simplicitor without enquiry for loss of confidence :

- (i) 1977 LIC page 602, S. K. Kadam vs. Dadajee Dhackjee & Co.
- (ii) 1999 I CLR page 759 West Coast Paper Mills Employees Union Vs. A.B.M. Shaikh.

(iii) 1972 ILLJ page 502 Air India Corpn. Vs. V.A. Rebellow.

(iv) 1971 ILLJ page 620 Workmen Sudder Office vs. Management Sudder Office.

14. I have gone through all these rulings and conclude that all of them are wholly inapplicable and unhelpful to the Corporation on the said facts and circumstances of the present case discussed above.

15. The request of the Corporation that it may be given an opportunity to lead the evidence before this Tribunal to prove the charges is not acceptable. No doubt, the law is settled on the point that the question of fairness of the enquiry is to be decided first and if the Industrial Court finds that the enquiry is not just and fair, the law requires to give an opportunity to the Employer to prove the charge of misconduct before it. This is not a function of the Industrial Court to issue the charge sheet first and then initiate the enquiry by itself and thereby permitting the employer to lead the evidence to prove the charges. Had there been a charge sheet by the Corporation, and domestic enquiry thereupon, the position would have been different. It is not a case in which any chargesheet was issued and the enquiry was held. It is not the case in which the enquiry has been found to be unjust and unfair. It is true that a defective enquiry can be said to be "No Enquiry" and in that case the Honourable Supreme Court make it obligatory upon the Industrial Court to give an opportunity to the employer to lead evidence to prove the charges. In the instant case, the position is altogether different. There is no charge sheet at all. There is no enquiry at all. The employer wants to terminate the services by one stroke of pen without caring for any opportunity of hearing to the workman which cannot be tolerated under the law.

16. In view of what has been said above, I conclude that the termination of the workman is patently illegal.

17. **ISSUE NO. 3 AND 4 :** In view of the above, the termination of services of the workman is illegal and unjustified and the workman is entitled to be reinstated immediately with full back wages. The Corporation would be at liberty to issue a charge sheet and initiate a domestic enquiry and then imposing any punishment, if it so desires.

The Award is made accordingly.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 1 मार्च, 2006

का. आ. 1161.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एअर इंडिया लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम

न्यायालय, मुम्बई-1 के पंचाट (संदर्भ संख्या 16/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-2006 को प्राप्त हुआ था।

[सं. एल-11012/19/2001-आई. आर. (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 1st March, 2006

S.O. 1161.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 16/2001) of the Central Government Industrial Tribunal/Labour Court, Mumbai-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Air India Ltd. and their workman, which was received by the Central Government on 27-2-2006.

[No. L-11012/19/2001-IR (C-D)]

S.S. GUPTA, Under Secy.

ANNEXTURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, MUMBAI

Present :

Justice Ghanshyam Dass, Presiding Officer

Reference No. CGIT 16 of 2001

PARTIES :

Employers in relation to the management of Air India Ltd., Mumbai

AND

Their workmen.

APPEARANCES

For the Management : M/s. Uma, Advocate

For the workmen : Workman absent

State : Maharashtra

Mumbai, dated the 08th day of February, 2006

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 (the Act for short). Vide Government of India, Ministry of Labour, New Delhi, order No. L-11012/19/2001 IR(C-I) dated 10-8-2001. The terms of reference given in the schedule are as follows :

"Whether the demand of Shri Powan Nadesan from the management of Air India for reinstatement into service of Air India and consequential benefits is

just and fair ? If so, to what relief is the workman entitled ?"

2. The detailed Statement of claim dated 19-3-2002 has been filed by the workman Mr. Powan Nadesan. It is alleged that he was employed as a Sweeper in June 1989 and he has been illegally removed from service w.e.f. 16-4-1996. It is submitted that Writ Petition No. 487 of 1990 was filed before the Honourable High Court of Bombay wherein the Honourable High Court passed the Interim Order dated 15-3-1991 protecting the services of the contract labour and directing the Government to regularize their services with a further direction to deposit Rs. 1,000 per month per workman which would be withdrawn by the Union on behalf of the workmen. Thereafter, the writ petition came up for final hearing on 27-3-1996 and the Honourable High Court was pleased to regularize the services of the contract labours. This order was challenged before the Honourable Supreme Court by way of Special Leave Petition No. 14116 of 1996 and the Honourable High Court passed the final order on 11-4-1997 directing the Employer to regularize the services of the workmen and implement the order of the High Court dated 27-3-1996. Thereafter, the workman went on duty on 15-4-1996 in GSD Maintenance Hanger in normal shift 7.00 hrs to 16.00 hrs. At about 16.30 hrs. Mr. S.P. Jadhav, Security Guard approached the GSD Hanger and enquired the workman about as to which Sweeper were on overtime on 14-4-1996, to which the workman replied in negative. The Security Guard also enquired about the pilferage of GSD spares in the Maintenance Hanger to which the workman replied in negative. On the following day 16-4-1996 when the workman was on duty, the Security Guard again came and enquired about the same things at about 16.30 hrs to which he replied in negative. Mr. Jadhav went on pressurizing to disclose the names of the workmen. The Security Guard then purposely took him to the Security office situated at Madison Bhavan and asked the workman to sit there till the Security Guard Senior reports. Thereafter, the Security Guard Senior Security Officer also asked him to disclose the names who were involved in the theft taking place in the GSD hanger. Thereafter, the Security personnel Mr. Sapta took him behind the Security Office and asked him to remove the shirt and to kneel down by raising the hands. He was again taken inside the office and shown some statement written by the Security personnel in English to which he asked to sign. He was threatened that he would be taken to Police Station and forced to sign the statement. The Security personnel took him to Sahar Police Station and lodged a complaint against him. The Policeman handled him in presence of Jadhav and other Officers of the employer. The identity card of the workman was snatched by Jadhav and thus he was illegally terminated from service w.e.f. 16-4-1996. Thereafter, the workman received a letter dt. 06-9-1996 whereby he was shown to have been charged for theft of inner copper cable on 14-4-1996. He was charged

for misconduct under Model Standing Orders. The domestic enquiry was ordered on 14-12-1996 despite the explanation of the workman dated 20-9-1996. The domestic enquiry was ordered on 14-12-1996 despite the explanation of the workman dated 20-9-1996. The domestic enquiry was conducted in utter violation of principle of natural justice. The removal with effect from 16-4-1996 was without the sanction of the Honourable High Court. The enquiry report was not based on just appreciation of the evidence. The reference was made to the evidence of the witnesses for challenging the findings of the Enquiry Officer. The workman raised the Industrial Dispute vide letter 02-7-1999 which came up for conciliation before the concerned Labour Commissioner but the conciliation failed. The management took the plea that there was no relationship of Employer and Employee/Master and Servant.

3. The Management of Air India Ltd. (hereinafter referred to as the management) filed its written statement on 22-4-2002. It has been stated therein that this Tribunal has no jurisdiction to entertain the cases of Contract Labour and thus, this Tribunal should reject this reference with exemplary cost. It is stated that the workman was found guilty of the charges levelled against him since the action was taken against the workman for misconduct under the provisions of Model Standing Orders for which the Honourable High Court has given the liberty while disposing the writ petition 487 of 1990. It is also submitted that in view of the judgement of the Supreme Court in the matter of Steel Authority of India, the notification of the Central Govt. was not applicable to Air India. The allegations made by the workman have been denied and the enquiry is said to have been conducted in a just and fair manner.

4. The workman filed his rejoinder to the Statement of claim on 06-10-2002 reiterating the facts already stated by him.

5. The workman filed the documents on 06-12-2002. The workman filed his own affidavit in lieu of his examination in chief. He has been cross examined by the learned counsel for the management.

6. The Management did not lead any evidence either oral or documentary.

7. The Learned predecessor in office framed the following issues on 10-12-2002 :

- (i) Whether the workman Powan Nadesan became a regular employee of the Air India Ltd. by virtue of order dated 11-4-1997 as S.L.P. No. 14116 of 1996 arising out of judgement/order dated 27th March, 1996 in W.P. No. 487/90 ? If so, what is the effect of the order of Supreme Court ?
- (ii) Whether the Air India Ltd., terminated the services of the workman with effect from 16-4-1996 ?

- (iii) Whether the workman was paid wages upto 16-4-1996 ?
 - (iv) Whether the workman was given subsistence allowance during the pendency of enquiry ?
 - (v) Whether the services of workman were terminated pursuant to an enquiry report ?
 - (vi) Whether the enquiry was fair and proper and in accordance with the principles of natural justice ?
 - (vii) Whether the findings recorded against the workman are perverse or otherwise unjust ?
 - (viii) Whether the company substantiates the charges before this Tribunal ?
 - (ix) What relief, if any, the workman is entitled to ?
- Issue Nos. 1 to 6 shall be treated as preliminary issues.

8. The workman has not appeared before me to make any submissions on the merits of the case despite the fact that a number of dates were given to him. The written arguments dated 19-12-2005 has been filed by the Advocate for M.V. Kini and Co. for the management.

9. FINDINGS:

ISSUE NO. 1 :

The orders passed by the Honourable High Court and Honourable Supreme Court in the writ petition no. 487 of 1990 and Special Leave Petition No. 14116 of 1996 are not in dispute. On the basis of these orders, this much is clear that the workman is to be deemed to be a regular workman of the Air India Ltd. The consistent plea raised by the management in this case before the Conciliation Officer and also before me while submitting the written arguments that there is no relationship of Employer and Employee/Master and Servant is altogether false and without any substance. The Management cannot raise the dispute of relationship of Master and Servant, when, admittedly the workman in question being one of the petitioners in the writ petition had been ordered to be regularized. Another aspect of the case is there, which further makes the plea of the Management absurd. The assertion on the part of the Management is that the domestic enquiry for violation of Model Standing Orders had been there and he has been removed after holding the enquiry. Had the workman not the workman of Air India Ltd. then how the domestic enquiry was initiated against him. The domestic enquiry could be only against an employee and not against a stranger. No doubt, the workman was a Contract Labour but his employment has been protected under the law and he is deemed to be an employee of the employer Air India Ltd. It is now not open for the management to raise a plea again and again that the relationship of Employer and Employee/Master and Servant is not there and hence this Tribunal has got no jurisdiction to entertain the reference. The plea is nothing but a misuse of authority.

10. **ISSUE No. 2, 3, 5, 6 AND 7:** The workman alleged that he was terminated from 16-4-1996. There is no denial of this specific assertion from the side of the Management. It has been asserted again and again in the written statement as well as in the written arguments filed before me that the workman has been removed after holding a domestic enquiry in accordance with law. I am really sorry to say that the case has been handled with utmost carelessness; neither the Management nor the Advocate who contested this case has taken due care of the case and tried to understand the real controversy and place proper evidence to assist the Tribunal to arrive at a just conclusion. As mentioned earlier, no evidence whatsoever has been led by the management to show that the domestic enquiry was there and the enquiry report was submitted on such and such date and that the findings of the Enquiry Officer were based on the evidence on record and further that any punishment order to the tune of dismissal from service was passed by the Competent Authority on such and such date, nor the same has been anywhere mentioned either in the written statement or in the written arguments filed before me. It is true that the workman has alleged that the domestic enquiry was there and he participated therein but it is really a matter of surprise that the Management did not file the result of the enquiry and the action taken there upon by the management after observing the principle of natural justice by affording a proper opportunity of hearing.

11. Hence, I conclude that the termination of the workman is patently illegal. It is pursuant to some enquiry report which does not appear to be just and fair for want of evidence on record.

12. **ISSUE No. 4 :** This issue appears to be redundant. No subsistence allowance was ever paid to the workman during the pendency of the enquiry.

13. **ISSUE No. 8 :** No evidence is available on record to substantiate the charges against the workman. The necessity of this issue would arise only when the Management had filed duly authenticated enquiry proceeding and result of the enquiry and the same would have been held by this Tribunal to be not acceptable. Had it been so, the opportunity would have been given to the Management to substantiate the charges but to utter surprise, no evidence whatsoever has been led by the Management for the reasons best known to it. This issue is answered in negative at this juncture.

14. **ISSUE No. 9 :** In view of what has been held above, the demand of the workman for reinstatement into service with consequential benefit is held to be just and fair. The workman is entitled to back wages.

The Award is made accordingly.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 1 मार्च, 2006

का. आ. 1162.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 58/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-2-2006 को प्राप्त हुआ था।

[सं. एल-20012/380/98-आई. आर. (सी-I)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 1st March, 2006

S.O. 1162.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 58/99 of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CCL and their workmen, which was received by the Central Government on 27-2-2006.

[No. L-20012/380/98-IR (C-
S.S. GUPTA, Under Sec.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/S. 10(1) (d) (2A)
of LD. Act

Reference No. 58 of 1999

PARTIES :

Employers in relation to the management of Sirka
Colliery of M/s C.C. Ltd.

AND

Their workmen.

PRESENT

Shri Sarju Prasad, Presiding Officer

APPEARANCES

For the Employers : Shri D.K. Verma, Advocate

For the Workmen : Shri D. Mukherjee, Advocate

State : Jharkhand. Industry : Coal.

Dated the 15th February, 2006

AWARD

1. By Order No. L-20012/380/98-I.R. (C-I) dated 17-4-99 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of

sub-sec. (1) and sub-sec. 2(A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Sirka Colliery M/s. C.C. Ltd., P.O. Argada, Dist. Hazaribagh in not regularising Sri N.C. Chatterjee, E.P. Fitter, Gr. III to the post of E.P. Fitter, Gr. I w.e.f. 1-8-93 and not giving difference of wages w.e.f. 1-8-92 for the duty performing in the higher grade is justified ? If not, to what relief the concerned workman is entitled and from which date ?"

2. The case of the sponsoring union is that N.C. Chatterjee has been working as permanent E.P. Fitter Grade-I since 1-8-92 continuously to the satisfaction of the management. He had been working as a team leader of a group who are doing the jobs of maintenance, repairs, overhauling and reconditioning of heavy earthmoving machinery for last 16 years to the satisfaction of the management. He has been possessing extra-ordinary skill and intelligence in detecting and rectifying the mechanical fault of breakdown machineries, specially that of dumpers etc. In view of that almost all engineers and supervisors always depend on him wholly in proper running and maintenance of heavy earthmoving machinery. Keeping in view of the competency of the concerned workman the local management was in need of a competent E.P. Fitter Gr. I and therefore the local management authorised the concerned workman to work as E.P. Fitter Grade-I w.e.f. 1-8-92 and since then he is working as such against permanent vacancy to the satisfaction of the management. The local management recommended his case for regularisation and wages of E.P. Fitter Grade-I but the management of M/s. C.C. Ltd. did not regularise him till date. Therefore the sponsoring union raised an industrial dispute with a prayer to regularise the concerned workman as E.P. Fitter Grade-I w.e.f. 1-8-92 with all arrears of wages and consequential benefits.

3. According to the management, the concerned workman was promoted as E.P. Fitter Grade-III w.e.f. 24-2-90. The sanctioned post of E.P. Fitter Grade-I is 15 and 15 persons are working already as E.P. Fitter Grade-I. Similarly, the sanctioned post of E.P. Fitter Grade-II is 10 and 10 persons are already working as E.P. Fitter Gr. II. The seniority of the concerned workmen in E.P. Fitter Gr. III is 5th and he can only be promoted to Grade-II post of E.P. Fitter if 7 posts will be vacant so that he can come within 5 general and 2 posts being reserved for SC/ST candidates. After he is promoted to Grade-II then only his case can be considered for his promotion to Grade-I. According to JBCCI Cadre Scheme no workman can be promoted by way of regularisation violating the cadre scheme framed for such workmen. Therefore, the concerned workman is not entitled to any relief.

4. In view of the pleadings of the parties the main question for decision is whether the concerned workman

should be regularised as E.P. Fitter Grade-I as claimed by him w.e.f. 1-8-93.

5. The concerned workman in his evidence has stated that he is working as E.P. Fitter Grade-I w.e.f. 1-8-92, as per the direction of the management and since then he is working as E.P. Fitter Grade-I and each year he has put attendance for more than 240 days, but he is not getting wages as prescribed for the same grade. He has further submitted that he made representation before the management for his regularisation, but he has not been regularised as E.P. Fitter Grade-I. He has admitted that he had been appointed as E.P. Fitter Grade-III on 24-8-92 and it is also true that he has not been promoted to E.P. Fitter Grade II and from E.P. Fitter Grade-II to Grade-I. The concerned workman has also admitted that at present there is no vacancy in E.P. Fitter Grade-I.

6. MW-1 S.Y. Singh, Personnel Manager of Argada Area in G.M. Office, Sirka, has stated that under the Cadre Scheme formulated by JBCCI E.P. Fitter Grade-III is the lowest in E.P. Fitter Grade and after putting in minimum four years of service and subject to availability of sanctioned vacant post as also suitability of candidate and the vigilance clearance Gr. III E.P. Fitter is promoted to Grade-II. Similarly after putting in experience of four years in Grade-II subject to the aforesaid condition the workman is promoted to E.P. Fitter Grade-I. The promotions are being granted as per recommendation of D.P.C. There is no provision for placing workman directly from Grade-III to Grade-I. He has also stated that the time when the concerned workman raised industrial dispute there was no vacancy in that grade. This witness in cross-examination has admitted that as per Coal Mines Regulations, Manager, Agent and Owner of the mines are competent persons to authorise a competent person to perform his specific duty. He has admitted that the management has issued a letter of authorisation dated 1-8-92 by which the concerned workman has been authorised to work as E.P. Fitter Grade-I. He has also admitted that at that time the Cadre Scheme of JBCCI was not in existence, the same has come in the year 1993. He has also admitted the representation of the concerned workman dated 5-7-77, Ext. W-2 in which the Project Officer has recommended for regularisation of the concerned workman. The note-sheet of the management has been marked Ext. W-2 series. He has also proved another recommendation of the management for regularisation of the concerned workman as E.P. Fitter Grade-I.

7. The workman has produced the appointment of the competent person by the Manager of Sirka Colliery as E.P. Fitter Gr. I which is dated 1-8-92 (Ext. W-1). The concerned workman has also produced the document to prove that he has been working as E.P. Fitter Gr. I right from 1-8-92, therefore on completion of one year of putting in attendance for 240 days in a calendar year he ought to have been regularised as E.P. Fitter Gr. I. It has been

submitted that since the Cadre Scheme has been introduced afterwards therefore the Cadre Scheme of JBCCI will have no application in the case of the concerned workman because he was authorised by the competent authority to work as E.P. Fitter Gr. I.

8. In my opinion the Cadre Scheme was not introduced at the time the concerned workman was authorised to work as E.P. Fitter Gr. I and the management has not produced any document to prove that at that time when the concerned workman was authorised to work as E.P. Fitter Gr. I there was no sanctioned vacancy of E.P. Fitter Grade-I, therefore, the concerned workman ought to have been regularised as E.P. Fitter Grade-I w.e.f. 1-8-93 i.e. on the expiry of one year from the date of authorisation by the Manager of the colliery to work as E.P. Fitter Grade-I. Since the authorisation has been done by the competent person, therefore there is no reason why the concerned workman should not get wages of E.P. Fitter Gr. I w.e.f. the expiry of one year from the date of authorisation.

9. Therefore, I render following award :

The action of the management of Sirka colliery of M/s. C.D. Ltd., P.O. Argada, Dist. Hazaribagh in not regularising N.C. Chatterjee, E.P. Fitter Grade-III to the post of E.P. Fitter Grade-I w.e.f. 1-8-93 and not getting difference of wages w.e.f. 1-8-92 for duty performed in the higher grade is not justified and the concerned workman is entitled for regularisation as E.P. Fitter Gr. I w.e.f. 1-8-93. The management is directed to implement the award within 30 days from the date of publication of the award.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 1 मार्च, 2006

का. आ. 1163.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-1 के पंचाट (संदर्भ संख्या 8/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-02-2006 को प्राप्त हुआ था।

[सं. एल-20012/34/95-आई. आर. (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 1st March, 2006

S.O. 1163.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 8/96) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-1 now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B. C. C. L. and their workman, which was received by the Central Government on 27-2-2006.

[No. L-20012/34/95-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 1), DHANBAD

In the matter of a reference U/s 10(1)(d)(2A) of
Industrial Disputes Act, 1947

REFERENCE NO. 8 OF 1996

Parties : Employers in relation to the management of
Jealgora Colliery of M/s. BCCL.

AND

Their Workmen

PRESENT

Shri Sarju Prasad, Presiding Officer

APPEARANCES

For the Employers : Sri D. K. Verma, Adv.

For the Workman : Sri B.B. Pandey, Adv.

State : Jharkhand

Industry : Coal

Dated, the 14th February, 2006

AWARD

By order No. L-20012/34/95-IR (Coal-I), dated 29-1-96 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-Section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the Management in dismissing Shri Ram Prakash Prasad, Loading Clerk working as Weigh Bridge Clerk at Jealgora Colliery is justified. If not to what relief the concerned workman is entitled to?"

The case of the sponsoring union is that concerned workman Ram Prakash Prasad was a permanent workman of Lodna Coke Plant under Lodna Area of M/s. B.C.C.L. He was sent on deputation as Weigh Bridge Clerk w.e.f. 16-6-1986 and continued till 21-8-93, when he was served with a charge sheet dated 21-8-93 and was put under suspension by the Project Officer, Jealgora Colliery who was not a competent authority to issue Charge Sheet. The management held a show of departmental enquiry flouting all norms of natural justice. The enquiry officer submitted enquiry report which was not based on evidence and the entire report was imaginary, motivated and illegal. The

concerned workman was dismissed from service by letter issued by and under the signature of Project Officer, Jealgora Colliery dated 22-7-94 which is illegal as Project Officer was not competent authority to issue such letter of dismissal.

The sponsoring union has prayed for the reinstatement of the concerned workman with all the back wages and other consequential benefits.

The management has submitted that the concerned workman was loading clerk of Jealgora Colliery and was working as weigh bridge clerk under the management of Jealgora Colliery. Therefore he was under control of management, direction and supervision of the Manager and Agent of the colliery. The Project Officer Jealgora Colliery was the Agent under the provisions of Mines Act, 1952. Therefore, he was competent to issue Charge Sheet and to take disciplinary action and to dismiss the concerned workman after obtaining due approval from the G/M. Bhowra Area.

The concerned workman in connivance with other clerk working as weigh bridge adjusted the machine in such a way to allow the trucks to carry on extra metric ton of coal. Thus, the concerned workman and the other clerks with the common intention of making gain to themselves and causing loss to the company to the extent of 1 metric tons of coal on every truck which passed through the said weigh bridge. Have committed gross misconduct.

The Vigilance department of the company made a surprise check of the machine of the weigh bridge on 16th Aug. 93 at 2 P.M. and detected that when no load was put to the weigh bridge the machine was showing 1 metric ton instead of indicating Zero.

Therefore, on each truck weighed on the machine indicated 1 ton less coal. On 16-8-93 as many as 73 trucks had passed through the weigh bridge and that the management had suffered a loss of price of such excess tons of coal by that time and the concerned workman and his colleague gained huge amount in connivance with the truck drivers. After holding departmental enquiry he was dismissed from service with the approval of General Manager of the Colliery, Bhowra Area by letter dated 22-7-94.

Since the concerned workman has committed gross-misconduct causing loss to the management and gain to himself. Therefore, he was rightly dismissed by the management which is perfectly legal and justified.

According to the management the concerned workman is not entitled to any relief.

The issue of fairness of the domestic enquiry was taken up as preliminary issue. The management has brought on record the entire proceeding of the domestic enquiry including the report of the enquiry officer and

note sheet by which the dismissal of the concerned workman was approved by the General Manager.

After going through the entire proceedings the Advocate for the concerned workman has fairly conceded that the domestic enquiry was conducted fairly and properly accordingly by order dated 18-10-2000, the same has been held fair and proper.

Since the domestic enquiry has been held fair and proper. The matter was heard on merit. The point for consideration is whether the charge of misconduct is proved against the concerned workman and if so whether the punishment awarded to the concerned workman is proper.

From the proceedings of the domestic enquiry it appears that the concerned workman has taken a plea that on 16-8-93 at 2 p.m. when the weigh bridge was inspected he was not in duty and during his duty period no such check was conducted. However, the concerned workman in his evidence before the enquiry officer has admitted that on 9-8-93 he was on duty and on that day Card No. 146109, 14590, 14591, 14611, 14585 to 14589 and some other cards were punched in his shift by the weigh machine in which weightment of the empty truck was increased to 1 ton by making overwriting as because the weigh machine was showing 1 ton less as the indicator was on the minus side instead of point 'O'. But when those trucks were again weighed with loaded coal then there was no correction made in the weightment by adding 1 ton more in the punched cards. Thus, it is apparent that during the duty period of this workman also weigh bridge machine was faulty; and it was showing 1 ton less than the actual weight and in case of empty truck weight was corrected by overwriting in the punch card but when the same truck was weighed with loaded coal the weight was not corrected and thus the concerned workman allowed to pass 1 metric ton of coal in each of such trucks. Thus, he knowingly caused loss of 1 metric ton of coal in each truck which came for weightment in weigh bridge. Thus, he had caused loss to the company knowingly when he was on duty on 9-8-93. As a faithful workman he should have reported the defects of the weigh bridge to higher authority or he ought to have corrected the correct weight of coal in punch card.

From the evidence of Ashok Kumar Basak it appears that there was hole on the left side of the machine and due to that there was error in weightment. The hole was plugged up. Then the machine started showing correct weight. Thus, from the material on record it appears the concerned workman has caused loss of 1 ton of coal in each truck knowingly which came for weightment on that weigh bridge during his duty period.

Therefore, he has been rightly held guilty for the misconduct committed by him under the provisions of standing order of the company.

Since the misconduct committed by the concerned workman which amount to dishonesty, theft and wilful loss to the company is very serious. Therefore, he has been rightly dismissed from the service. The concerned workman has taken a plea that Project Officer, Jealgora Colliery has no authority to issue Charge Sheet and dismiss the concerned workman. The Project Officer of Jealgora Colliery is the Agent under Coal Mines Act 1952 and he is the disciplinary authority under the Certified Standing Order of the company. From the note sheet it appears that dismissal of the concerned workman has been approved by the General Manager of the Bhowra Area under which Jealgora Colliery and the weigh bridge lies.

Therefore, there is no merit in the contention that the charge sheet and dismissal order was not issued by the competent authority.

Therefore, for the reasons mentioned above the dismissal of the concerned workman is not at all unjustified.

In the result I render following :—

AWARD

That the action of the management in dismissing Sri Ram Prasad loading clerk working as weigh bridge clerk is justified and he is not entitle to any relief.

S. PRASAD, Presiding Officer

नई दिल्ली, 1 मार्च, 2006

का. आ. 1164.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I (संदर्भ संख्या 187/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-02-2006 को प्राप्त हुआ था।

[सं. एल-20012/188/99-आई. आर. (सी-1)]
एस.एस. गुप्ता, अवर सचिव

New Delhi, the 1st March, 2006

S.O. 1164.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 187/99) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C. C. L. and their workman, which was received by the Central Government on 27-2-2006.

[No. L-20012/188/99-IR (C-I)]
S. S. GUPTA, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (NO. 1), DHANBAD

In the matter of a reference U/s. 10(1)(d)(2A) of the
Industrial Disputes Act, 1947

REFERENCE NO. 187 OF 1999

Parties : Employers in relation to the management of
Sirka Colliery of M/s. CCL.

AND

Their Workmen

PRESENT

Shri Sarju Prasad, Presiding Officer

APPEARANCES

For the Employers : Sri D. K. Verma, Adv.

For the Workman : Sri R.N. Ganguly, Adv.

State : Jharkhand

Industry : Coal

Dated, the 16th February, 2006

AWARD

By order No. L-20012/188/99-IR (C.I.), dated 19-11-99 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"क्या सिरका कोलियरी, सी.सी.एल. के प्रबंधन द्वारा उनके आदेश दिनांक 7-8-97 के अंतर्गत श्री योगेन्द्र सिंह पर दो इन्क्रीमेंट रोके जाने की सजा उचित, न्यायसंगत एवं विधिवत् है ? यदि नहीं तो कर्मकार किस राहत के पात्र हैं ? "

2. The concerned workman has filed an application duly signed by him making a prayer that he has no intention to contest the case hence, a no dispute award may be passed. Since, the concerned workman is not interested to contest the case and that there is no industrial dispute existing now.

Therefore, I submit a no dispute award.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 1 मार्च, 2006

Dated, the 14th February, 2006

का. आ. 1165.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 28/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-02-2006 को प्राप्त हुआ था।

[सं. एल-20012/304/97-आई. आर. (सी-I)]

एस.एस. गुप्ता, अवसर सचिव

New Delhi, the 1st March, 2006

S.O. 1165.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 28/98) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B. C. C. L. and their workman, which was received by the Central Government on 27-2-2006.

[No. L-20012/304/97-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT (NO. D,
DHANBAD**

**In the matter of a reference U/s. 10(1)(d)(2A) of
Industrial Disputes Act, 1947**

Reference No. 28 of 1998

Parties : Employers in relation to the management of
Bararee Colliery of M/s. BCCL.

And

Their Workmen

PRESENT

SHRI SARJU PRASAD, Presiding Officer

APPEARANCES

For the Employers : Sri D. K. Verma, Adv.

For the Workmen : None

State : Jharkhand

Industry : Coal

AWARD

By order No. L-20012/304/97-IR (C-I), dated 28-5-98 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the Management of M/s. BCCL in denial to regularise Shri Puran Ram and Shri Rajendra Prasad as Electric Helper and Prop. Mazdoor respectively is justified ? if not, to what relief are these workmen entitled ?”

2. Neither the sponsoring union nor the concerned workman has filed Written Statement inspite of Notice and adjournment of Reference case from the year 1998 in such circumstances it appears that the concerned workman and the sponsoring union have got no interest in prosecuting the Reference case.

In the result I render no dispute award.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 2 मार्च, 2006

का. आ. 1166.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दी फेडरल बैंक लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, एर्नाकुलम के पंचाट (संदर्भ संख्या 17/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-02-2006 को प्राप्त हुआ था।

[सं. एल-12012/198/2005-आई. आर. (बी-I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 2nd March, 2006

S.O. 1166.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 17 of 2005) of the Central Government Industrial Tribunal/Labour Court, Ernakulam now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of The Federal Bank Ltd. and their workman, which was received by the Central Government on 01-03-2006.

[No. L-12012/198/2005-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE
IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
ERNAKULAM

PRESENT

SHRI P. L. NORBERT, B.A., LL.B., Presiding Officer
(Friday the 22nd day of February, 2006/3rd Phalguna
1927)

I.D. 17 of 2005

Workmen : Shri K.K. Sunny
Represented by the General Secretary,
Federal Bank Employees' Union
Central Office, Aluva-683 101

By Advocate Shri C. Anil Kumar

Management : The Chairman
The Federal Bank Limited
Head Office, Federal Towers
P.B. No. 103, Aluva-683 101.

By Advocate Shri P. Sankaranarayanan

AWARD

This is a reference made by Central Government under Section 10 (1)(d) and (2A) of Industrial Disputes Act, 1947 to this court for adjudication. Notices were served on both sides and counsels filed Vakalat. But the claimant failed to file claim statement and remained absent

continuously. On the last posting date, i.e. today both sides are absent. This Tribunal has no other alternative but to proceed under Rule 10-B(9) of the Industrial Disputes Central Rules, 1957.

2. The dispute referred is as follows :—

“Whether the action of the Federal Bank Ltd. to impose punishment of compulsory retirement with superannuation benefits to Shri K.K. Sunny, Bankman (Sub-Staff cadre) is justified? If not, what relief the workman is entitled to?”

3. The claimant is compulsorily retired with superannuation benefits. There are no records to show the reason or the incorrectness of the decision of the management to retire the claimant compulsorily. Since the aggrieved party does not appear to be interested in prosecuting the cause and in the absence of any evidence to challenge the action of the management, the reference has to be answered in favour of the management that the action of the Federal Bank in imposing punishment of compulsory retirement with superannuation benefits to the claimant Shri K.K. Sunny (Sub-Staff) is justified. The workman is not entitled to any relief. No costs.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 22nd day of February, 2006.

P. L. NORBERT, Presiding Officer

Appendix : NIL